

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 6, 2004  
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Reverend Art Smith, Harry Hynes Memorial, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, Staff, and guests.

The Minutes of the regular meeting of March 16, 2004, and the Executive Session of March 23, 2004, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations were previously submitted.

AWARDS Water Center-American Council of Engineering Companies Engineering Excellence Award.

Mayor Mayans recognized the recipients for this award.

RECOGNITION Distinguished Service Citations.

Mayor Mayans acknowledge Alvin Hill and Jack Brown for their years of service.

## PUBLIC AGENDA

Gary Williamson Gary Williamson-Storm Water Drainage in the 5500 Block of North Athenian.

Mr. Williamson stated that he resides at 5549 North Athenian and is still having water problems in his backyard and that something needs to be done to resolve this problem. Stated that the Street Department is working on some of the street drains but that the water is not getting to the drains on 53<sup>rd</sup> Street.

Aaron T. Blase Aaron T. Blasé-Nightclubs, Taverns, and Drinking Establishments near residential neighborhoods.

Mr. Blasé stated that he resides at 2302 North Hood and would like to address two properties that are located at 1514 West 21<sup>st</sup> Street and 1510 West 21<sup>st</sup> Street. Stated that both of these properties are located directly across the street from his residence and that his neighborhood has tremendous opposition to nightclubs in their neighborhood. In 1997, a club opened across the street from him, which used to be Cloth World and became Latino Boom. Latino Boom operates as a nightclub holding dances every weekend and serves alcoholic beverages. Stated that for seven years his family and neighbors have been forced to make many complaints to the Police Department concerning unlawful activities surrounding these dances, such as gunshots, fights in the parking lot, loud music, etc. In February they found out that Latino Boom was moving to a new location, however, they just found out that a new tenant is planning on coming in and operating another nightclub at this location. Stated that the zoning codes do not permit this type of activity so close to a residential area. Stated that they are serving alcohol and fit the definition of a nightclub in the zoning code. They have gotten around this by using a caterer's license. Stated that he thinks this is a zoning code issue and should be enforced. Mr. Blasé is requesting that the Council support them in getting the zoning code enforced and not allow

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another nightclub to move in. Stated that the property located at 1510 opened up last September under a restaurant/drinking establishment however, they are not a restaurant and does not think they even have a kitchen. Stated that they are never opened at lunch and do not appear to be busy during the dinner hours but are busy during the bar hours and their sign calls them a bar. Stated that they have been able to operate as a bar for eight months and sees this as a loophole in the zoning regulations. Stated that this is not good for neighborhoods or families that are trying to raise small children.

Council Member Fearey Council Member Fearey stated that she and Staff have met with Mr. Blasé on this matter and that Staff is aware of this and is working on it. Stated that the catering license is a loophole in that you can bring food in and serve alcohol and this is one of the issues that is being looked at.

## NEW BUSINESS

### **REINTEGRATION**

### **REINTEGRATION OF OFFENDERS ACTION PLAN.**

Cathy Holdeman Interim City Manager reviewed the item.

Agenda Report No. 04-0297

Each year approximately 7,400 offenders are released from Kansas prisons and one-fourth of this total is released to Sedgwick County. Seventy-six percent of the offenders released to Sedgwick County committed crimes in Sedgwick County or Butler County and the remainder committed crimes in other counties. A significant number of released offenders are classified as sex offenders (1,150 individuals and of those 275 are released to Sedgwick County) and are under the supervision of special sex offender units.

Recognizing that offender re-entry creates significant challenges for the Wichita/Sedgwick County community, it was determined that the City of Wichita would partner with Sedgwick County, the Kansas Department of Corrections and Wichita State University and convene an Assembly to discuss the many issues associated with returning offenders. In February 2002, Wichita State University hosted the Assembly on Community Reconnection – A New Beginning for Offenders.

The Assembly ended with fourteen (14) recommendations or strategies for the community and its community governments and agencies to address. One of the recommendations assigned to the City and County governments included the appointment of an Offender Reentry Task Force. In January 2003, the Wichita City Council and Sedgwick County Board of County Commissioners formed the Joint City/County Offender Reentry Task Force. This Task Force comprised of government, business, neighborhood, faith-based and service agency representatives was asked to: 1) review the recommendations generated at the Wichita Assembly; 2) identify how these recommendation could be implemented; 3) review the role of the Alternative Correctional Housing Board; and 4) provide a report with recommended actions to city Council and County Commission on its findings.

The Offender Reentry Task Force began its work in February 2003, and conducted monthly meetings from February through September. The Task Force divided into four subcommittees to address housing, employment, support services and community safety. The subcommittees conducted literature reviews and focus groups, consulted experts locally and nationally, surveyed various groups and otherwise gathered information relevant to these issues. The Task Force Report provided recommendations on governance, community safety, support services, employment and housing. It recognized that the Assembly provided an excellent framework for a comprehensive reentry approach in Sedgwick County.

The findings of the Task Force were presented to the City Council and County Commission on February 24, 2004. Staff was charged with developing an implementation plan for addressing the recommendations and reporting back to the respective governing bodies.

· Establish a standing City/County/State oversight work group to establish and sustain reentry practices. It is suggested that the newly formed Criminal Justice Coordinating Council be expanded and utilized for this function.

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- Recognize the work of the Offender Reentry Task Force and disband the Task Force as its work is complete.
- Recognize the work of the Alternative Correctional Housing Advisory Board and disband this Board as its regulatory functions can be addressed by the Office of Central Inspection and policy issues can be addressed by the Criminal Justice Coordinating Council.
- Direct Staff to work with Staff from the County and the Kansas Department of Corrections to prepare a proposal for a Reentry Pilot Project. The project would be a partnership between the City, County, and Kansas Department of Corrections and be targeted to high-risk offenders leaving Kansas prisons and entering Sedgwick County. The pilot project would address the critical needs of offender reentry (employment, housing, public safety and support services). It would identify the impact on jail utilization, require a defined budget, measurable outcomes and financial and program reports. The estimated start date to initiate the pilot project is January 2005 and the duration would be for one year.
- The Criminal Justice Coordinating Committee reviews the Reentry Pilot Project and provides recommendations for implementation.
- The City Council, County Commission and Kansas Department of Corrections approve the Pilot project and funding plan.

The total financial implications will be determined once the Pilot Program has been defined. The proposal calls for a three-way partnership between the City of Wichita, Sedgwick County and the Kansas Department of Corrections. In preparing the budget plan for the Reentry Pilot Project, Staff will consider combinations of funding to include grants, repositioned Staff, in-kind support (such as office space and overhead costs) and new project funds.

The Law Department will approve a Memorandum of Understanding between the City, County and Kansas Department of Corrections once a pilot project has been defined.

- |                       |  |
|-----------------------|--|
| Council Member Fearey | Council Member Fearey inquired who is on the Criminal Justice Coordinating Committee.  |
| Mark Masterson        | Mr. Masterson stated that this group is chaired by the Chief District Court Judge, Judge Ballinger, Judge Owens, Nola Foulston, Police Chief Norman Williams, Council Member Brewer, Carolyn McGinn, David Unruh, representatives from Legal Services, City Prosecutor's Office, Municipal Court, and himself.   |
| Council Member Gray   | Council Member Gray stated that the agenda report does not tell him anything. Stated that all he sees is the sugarcoating of what a criminal really is. The report is calling the criminals "offenders and clients", which offends him. Stated that he sees this as an opportunity to fund something else and does not see any benefit to it. Stated that all this report is talking about is funding and creating another bureaucracy without any specific intent.  |
| Mark Masterson        | Mr. Masterson explained that what is different about this is that it addresses barriers that have been identified for criminals that have returned to the community that have served their sentences at state prisons and are not re-entering our community. Presently, the material shows that over half of them go back to prison within a year. All of these services try to expand upon what is in place, which is basically in-services and begins preparing these individuals to become law abiding citizens and help connect them to jobs, which will reduce the chance for them to go out and commit a new crime and create new victims. |
| Council Member Lambke | Council Member Lambke stated that the re-entry training would be better accomplished while these people are in prison, before they are released. This would be the logical place to prepare them for re-entry and possibly make it a condition of their release.   |
| Council Member Brewer | Council Member Brewer stated that the term "client" is used as a generic term and that everyone who is involved in the re-entry program are not involved in violent crimes. Stated that this is not asking the City to make any type of dollar investment but to continue to find better ways to bring individuals that are given a second opportunity in life and creating an environment so that they do not go back into the system. Stated that he had received information that the Task Force was not aware that this was going to be presented to the Council.  |

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Council Member Martz Council Member Martz stated that he was one of the original people that went to a meeting regarding this issue over two years ago and that this is a situation that continues to confront our community with re-entries. Stated that if we do nothing, they will continue to commit crimes and go back to jail. Stated that he sees this as part of the answer to help people that have served their time to come back into society so that they will not be repeat offenders. Stated that one of the challenges that was faced at the original assembly was that there were not enough people there from the business part of the community that were committed or involved in this, which they should be. Looks at this as a pilot program to help somewhat correct the situation and reduce the number of people from recommitting crimes. Stated that he would be in favor of getting a pilot program going and have it reviewed by Staff, the City and the County and bring back to the Council to hopefully help somewhat in reducing crime in our community. State that he is in favor of going ahead with the proposal of putting the pilot program together.

Council Member Brewer momentarily absent.

Mayor Mayans Mayor Mayans stated that his concerns are that the Council supports this and then later on the funding comes and if the funding is not supported that it would send out a negative message and the other concern is by setting up this organization it is giving the citizens a false sense of security.

Council Member Gray Council Member Gray stated that with urbanization it increases tension and then crime is created. As long as society continues to urbanize, we are going to have to build more jails and more prisons because there is going to be more criminals and, instead of figuring out a way to let them out so we can put more back in and keep the system moving, he is not supportive of the program. Stated that we have excellent programs that are in place and a work release system that works well, which helps them build their ties back into the community. Instead of putting money toward another program that is just going to oversee all of these programs and be another level of bureaucracy. Stated that we have programs that work, let us utilize them and spend our money in making those programs work better instead of spending money to create new ones.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Rosalee Bradley Ms. Bradley stated that as a member of this Task Force, there is a need for changes at all levels in the system. There are not enough places for these people within our system. The Department of Corrections reduced parole officers, reduced the beds in the halfway houses. One of the issues that came before the Task Force was that from prison to the community, that temporary bed is not there until they can find a job and find transportation. The Task Force found a lot of problems with communication within the system, lack of knowledge by the community at large and the Council. Citizen involvement is necessary for the success of this program and that reintegration is an issue that we have to address.

Chuck Scarborough Mr. Scarborough stated that these people are not clients or offenders but they are criminals. This program is not asking for money to invest now, but no bureaucracy can exist without funding. Stated that more and more criminal's rights are overriding the law-abiding citizens. Stated that more than half of these criminals will return to jail and when you are in a prison, what you learn in there is how to become a better criminal and how to use the system.

Cybill Strum Ms. Strum stated that non-violent criminals need to be allowed to reintegrate back into the community. The City should help law-abiding people get jobs and not criminals.

Motion-- Fearey moved to approve the Implementation Plan for the Offender Reentry Initiative with the following recommendations: to send this item to the DABs and for the Alternative Correctional Housing Board to review and make recommendations on where they see themselves fitting in if they should be done away with or be kept at least through the pilot program and to have Staff send a letter to those individuals who served on the Task Force and see if they have closed out their work or would like to have one more meeting to see what kind of comments the Council have and if there is anything that they would like to add but let them know that it would be their final meeting and, out of that meeting she would like to know if they would want to be included in the Criminal Justice Coordinating Council, and if so, if they recommend someone to serve on it.

## AMENDMENT

Amend. to Motion-- Fearey moved an amendment to the motion not to approve the draft implementation but to recommend

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--carried

all of the recommendations. Motion carried 5 to 2, (No-Gray and Mayans).

## O.C.T FIBERGLASS

### **FORGIVABLE LOAN FOR O.C.T. FIBERGLASS PRODUCTS, L.C. (DISTRICT IV)**

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0298

O.C.T. Fiberglass Products, L.C. was started in 2000 by senior management personnel from the Wichita division of A.O. Smith Fiberglass, an Arkansas-based manufacturer of fiberglass pipe. The Wichita business started out fifty years ago as Koch Fiberglass, a division of Koch Industries, supplying pipe for Koch's refineries and oil fields. The local managers, Phil Ellsworth and Bill Rogers, at first sought to purchase the Wichita division of A.O. Smith, when that company was put up for sale. A.O. Smith was not receptive to splitting the company and instead sold all its locations to a Texas-based competitor.

O.C.T. Fiberglass began manufacturing operations in a small workshop facility located behind a former residence they purchased at 10116 Southwest Blvd. (Highway K-42) in southwest Wichita. They fabricated fiberglass pipe and fittings for special-order customers on machinery they built themselves. Since then, they have constructed a new (20,000) square foot manufacturing plant adjacent to their Southwest Blvd. location and are ready to begin full-scale manufacturing operations. They are in the process of securing conventional financing for working capital in the form of a \$700,000 operating loan. The City has been asked to provide a forgivable loan in the amount of \$65,000 to allow for the purchase of specialized manufacturing equipment needed to significantly increase production capacity.

The proceeds of the forgivable loan will be used by O.C.T. Fiberglass to acquire five sets of mandrel. A mandrel is a long metal tube around which resin-impregnated glass fibers are wound in order to produce the fiberglass pipe. A mandrel is specially engineered so that the pipe is easily withdrawn once the fiberglass has hardened. Mandrels come in sets of varying diameters in order to produce pipe of different lengths and gauges. Acquisition of the mandrels will make it possible for O.C.T. Fiberglass to start fulfilling large-order contracts. They expect employment at the plant to exceed 65 employees within five years.

The City's forgivable loan will have a term of five years and a zero percent interest rate. The outstanding principal will be reduced (i.e. "forgiven") each year based on the rate at which employment at O.C.T. ramps up. At the end of the five-year term of the loan, any remaining outstanding principal will be due and payable. However, if the company ceases operations in Wichita prior to five years following the end of the loan term, the entire original amount of the loan will be due and payable, at interest. The City will receive annual reports from the company and closely monitor compliance with the terms of the loan.

The \$65,000 forgivable loan will be funded from the Economic Development Fund.

The City of Wichita has the legal authority to enter into loan agreements with private entities.

Council Member Martz

Council Member Martz asked how it is determined that a company qualifies for a forgivable loan and another one does not.

Allen Bell

Mr. Bell explained that job creation is the major criteria.

Council Member Martz

Council Member Martz stated that he would like to see a document that determines who qualifies for this and who does not. Stated that he cannot be supportive of this until he sees the document showing that it is legal.

Council Member Schlapp momentarily absent.

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- Council Member Fearey Council Member Fearey stated that she is going to support this today but would like to make a recommendation that as the Council is looking at the budget and looking at the Economic Development dollars, that the City might have available to spend and decide how much to put in that budget and develop some policies and put them in place.
- Council Member Lambke Council Member Lambke stated that he is opposed to giving away taxpayer's money to a private business. It is a bad policy.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Cybil Strum Ms. Strum stated that she agrees with Council Members Lambke and Martz and that if you want to have a business, get the funding on you own.
- Motion-- Gray moved that the forgivable loan agreement with O.C.T. Fiberglass Products, L.C., in the amount of \$65,000 be approved, and the necessary be signatures authorized. Motion carried 5 to 2. (No-Lambke and Martz).
- carried

## LEGAL NOTICES

### PUBLICATION OF LEGAL NOTICES.

- Kelly Carpenter Acting Finance Director reviewed the item.
- Council Member Martz momentarily absent.
- Agenda Report No. 04-0299

The City of Wichita by statute is required to publish legal notices in a paper meeting the following guidelines:

- A publication of daily circulation, Monday through Friday,
- that has operated for at least five years;
- mailed in Sedgwick County as second class mail;
- has a general paid circulation in Sedgwick County;
- is not to be a trade, religious, or fraternal publication; and
- is printed in Kansas and published in Sedgwick County.

A Request for Proposal (RFP) was sent to four (4) vendors to provide publication of legal notices. There were two vendors that responded, Wichita Eagle and Daily Reporter and they both meet the K.S.A. 64-101 statutory requirements

The Wichita Eagle offers a circulation of 71,500 at a cost per line of 60¢ with no charge for affidavits versus 1,400 for The Derby Reporter with a cost of 45¢ per line charge with no charge for affidavits.

The Wichita Eagle proposal would allow City Legal notices to run Monday-Saturday. The Wichita Eagle plans to include the specific page number of the Legal notices in the page 1 index. The Wichita Eagle will commit to running all the Legal notices together each day as well as posting the notices on their website. To improve the awareness of the important role that Legal Notices play, they will agree to run a minimum of 15 column inches of informational copy each month. Copy will be developed by City Staff and edited by the Wichita Eagle's Special Projects Team. The estimated value for the information space is nearly \$7,000 per year.

The Derby Reporter will continue to run all the Legal notices together each day. In addition, The Derby Reporter would start posting all new legal publication on their website, [www.derbydailyrep.com](http://www.derbydailyrep.com), and may be viewed there in addition to the City of Wichita website.

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	The Wichita Eagle	The Daily Reporter
Cost per line	60¢	45¢
Cost of additional affidavits	no charge	no charge
Cost of copies of affidavits	no charge	no charge
The contract will be for a period of one (1) year, with options to renew under the same terms and conditions for one (1) or two (2) one year periods by mutual agreement of both parties.		

There are sufficient funds within operating budgets to cover the cost of publications.

The Law Department will review and approve the contract as to form.

Mayor Mayans Mayor Mayan inquired whether anyone wished to be heard.

Mike Tieman Mr. Tieman stated that he is the Vice-President of Advertising for the Wichita Eagle and that he is requesting that the Council award the contract to the Wichita Eagle. Stated that there is a significant rationale for this decision, which is running the legals in the Eagle makes good business sense. Stated that they will post the notices on their website with an audience of several hundred times larger than the current provider's website. Publications of legal notices should go beyond satisfying only state law. Publishing these notices should be a way to alert the constituents, area businesses and the general public about the workings at City Hall. The people of our community read the Eagle and not the newspaper from Derby.

Council Member Fearey Council Member Fearey stated that the Council has been taken to task a lot recently by this publication for not accepting the low bid. We can accept the low bid and satisfy our legal requirements.

Mayor Mayans Mayor Mayans stated that he feels that the Council needs to support their hometown news media and that he will be supportive of that.

Cybil Strum Ms. Strum stated asked how much is this going to cost taxpayers.

Greg Ferris Mr. Ferris stated that this is a diverse organization and employs a great number of people and makes its home in Wichita. The citizens in the City of Wichita read the Eagle and not the Derby Reporter. Sat on the Diversity Task Team and many of the small businesses in our community do not have access to the internet but they do read the newspaper and there are people outside the City of Wichita that read the Eagle. The citizens of Wichita have a right to be notified of what the City Council is doing and have a right to do it in a way that is easy to find out.

Rosalee Bradley Ms. Bradley stated that her household reads the legals and that when they are in the Derby Reporter many people do not know what is going on. Stated that Derby is not their subject of interest.

Motion-- Mayans moved that the Wichita Eagle be the designated paper, that the Contract be approved; and the necessary signatures be authorized.

Council Member Gray Council Member Gray stated that he has to abstain from this vote for conflict of interest.

--carried Motion carried 4 to 2; Gray abstained. (No-Lambke and Martz).

## **COX MACHINE, INC. PUBLIC HEARING AND TAX EXEMPTION REQUEST, COX MACHINE, INC. (DISTRICT V)**

Allen Bell Director of Economic Development reviewed the item.

Council Member Fearey momentarily absent.

Agenda Report No. 04-0300

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On November 20, 2001, City Council approved a five-plus-five year 98% Economic Development Tax Exemption to Cox Machine, Inc. for an expansion project that resulted in the construction of a new facility and the purchase of new machinery and equipment. Cox Machine Inc., located at 5338 W. 21st N. in northwest Wichita, was locally formed in 1954. Since its establishment, Cox Machine has achieved consistent growth in its manufacturing of parts for the aerospace industry. Cox Machine recently expanded its manufacturing capacity through acquisition of new machinery and equipment. Based on a letter of intent, Cox Machine is now requesting approval of an Economic Development Tax Exemption on the newly acquired manufacturing equipment in conjunction with the expansion project.

Cox Machine, Inc., is engaged in the manufacture of high quality small parts for the aerospace industry. Cox Machine has a CDC milling department that uses CAD programs, which optimize programming capabilities. Cox Machine also has a grinding department that offers thread grinding and includes centerless as well as cylindrical grinding. Customers include Raytheon, Boeing, Bombardier, Cessna, Northrop, Lockheed Martin, Middle River, and the U.S. Government among others. Cox Machine exports 96% of its production outside of the State of Kansas.

Staff conducted a site-monitoring visit on June 1, 2003, and as a result of the 2001 expansion Cox Machine had increased employment by 9 employees and was in compliance with all the terms and conditions under which the City granted the exemption. Cox Machine currently has 47 employees and projects to add an additional 3 employees over the next five years by expanding operations through acquisition of new manufacturing equipment.

Under the City's Business Incentives Policy, Cox Machine is eligible for the following:

## TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
04.0%	New Job Creation:	Cox Machine will create at least 3 new jobs.
09.0%	Capital Improvements	Cox Machine will invest at least \$263,897.
13.0%	Sub Total Business – Incentive Eligibility (Maximum allowed is 50%)	
48.0%	Export Premium	Cox Machine exports 96.0% of its product outside Kansas
48.0%	Sub Total - Export Premium (Maximum allowed is 50%)	
61.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Cox Machine is eligible for a 61% tax exemption for five years on the personal property. A notice of public hearing has been published. Cox Machine has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on Cox Machine's proposed \$263,897 expansion would be \$6,425 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 61 percent, the City would be exempting (for the first year) \$3,919 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$1,100; County/State - \$1,046; and USD 259 - \$1,773.



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Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	3.60 to one
Sedgwick County	2.10 to one
USD 259	1.78 to one
State of Kansas	5.01 to one

The City Attorney's Office has approved the Ordinance as to form.

## Equipment purchases

4-Axis Horizontal Machining Center	\$151,079
Bridgeport EZ-Trak CNC Vertical Mill	11,918
Jones & Lamson Gundrill	900
ROMI G 20 HT	100,000
Total Equipment	\$ 263,897
Total Expansion Project	\$ 263,897

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Martz moved that the Ordinance granting a 61% tax exemption on the identified personal property improvements for a five-year term be placed on first reading. Motion carried 6 to 0. (Fearey momentarily absent).

## ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Cox Machine, Inc, so exempted, introduced and under the rules laid over.

## ANGLE PARKING

### REVIEW OF ANGLE PARKING: EATON BLOCK.

Terry Cassady

Development Assistance Director reviewed the item.

Agenda Report No. 04-0301

MetroPlains Development, the Eaton Place developer, requested that the City implement one-hour restricted angle parking along the south side of the 500 block of East Douglas Avenue in 2001. The purpose of the change was to provide more parking spaces than were currently available with parallel parking to serve commercial businesses located in the renovated Eaton Hotel block. The angle-parking configuration produced 22 spaces in lieu of the 9 parallel stalls. The City Council approved MetroPlains' request on a six-month trial basis beginning on January 2001. The Council's action in 2001, 2002 and 2003 was to continue angle parking in this block (south side) another 12-months to fully evaluate the impact of having the commercial/retail space fully leased and served, OR, until such time as additional parking in this area becomes available.

Seventy-five percent of the commercial space in the development is currently leased. This includes the Eaton Hotel lobby and ballroom, which are leased to Larkspur for banquet/event facilities. Four spaces totaling 7,200 square feet are remaining for lease in the development. Additional leases are being negotiated for tenant occupancy of these spaces in the near future. According to MetroPlains Development, access to these parking spaces continues to be critical both as a leasing tool and a service to customers of the commercial spaces in Eaton Place. The psychology of retailing is that customers choose to shop where they can park as close to the door as possible. This amenity, which is usually only

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possible in small centers such as Eaton Place, is a requirement of prospective tenants. Because not all of the commercial tenant spaces have been leased, it is difficult to determine the full impact of angle parking in this locale.

The Eaton Place Manager has indicated that the restricted angle parking is being well enforced by the Wichita Ambassadors. This is keeping the spaces turning over on a regular basis and available for customers. This strict enforcement is forcing the Eaton Place residential tenants who were inclined to take advantage of the convenient free parking spaces to use parking in the lot/garage, which was constructed for residential tenant parking south of the Eaton block.

According to the Wichita Police Department, there has been no significant change in the number of traffic accidents in the 500 block of East Douglas Avenue that can be directly attributed to the angle parking. The area analyzed included the 400 and 500 blocks of East Douglas including the intersections of Douglas/Emporia and Douglas/St. Francis. The 400-block was included in the analysis as this is the block where eastbound traffic merges into the center lane in order to avoid vehicles parked in the angle parking stalls. Accident summaries were compiled for the years 1998 through 2003. Total accidents in these areas for 1998 were 24; 1999 were 15; 2000 were 11 (no parallel parking was available due to Eaton block construction); for 2001 were 20; 2002 were seven; 2003 were four (two pedestrian and two others involving cars parked in front of the Eaton).

One of the challenges cited with the angle parking is that vehicular traffic proceeding through the Douglas/Emporia intersection must merge to the center lane to avoid vehicles parking in the angle stalls. One of the problems is that many drivers fail to merge into the center lane; instead they continue eastbound through the Douglas/Emporia intersection creating two driving lanes where only one exists. This can potentially cause problems with vehicles backing out of the angle parking stalls on the south side of Douglas. Improved directional striping has been installed to ease this problem. If angle parking is made permanent, consideration of constructing an indentation into the sidewalk area may be warranted thus reducing the width of the sidewalk to allow for extending the parking further from the driving lane.

The City Council has the legal authority to determine parking configurations in the city.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved that the one-hour restricted angle parking on the south side of Douglas be continued for an additional 12-months. Motion carried 5 to 2. (No-Lambke and Martz)

## **27<sup>TH</sup> STREET NORTH    27TH STREET NORTH, FROM JACKSON TO WACO. (DISTRICT VI)**

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0302

27th Street North, from Jackson to Waco, is an unimproved sand street. Attempts to obtain a valid paving Petition have not been successful. Council member Fearey asked Engineering Staff to begin the process to order in the street improvement. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the project. The Board voted 5-3 to recommend approval of the project. On March 16, 2004 the City Council adopted a resolution to order a public hearing on the proposed street improvement.

The project, if approved, will connect to existing pavement at each end. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The estimated project cost is \$63,000 with \$54,300 assessed to the improvement district and \$8,700 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.39 per square foot of ownership. The Capital Improvement

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Program includes funding for special assessment projects on an ongoing basis. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Fearey moved that the project be approved and the Resolution adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-135

Resolution of findings of advisability and Resolution authorizing improving 27th Street North from the middle of the intersection of 27th Street and Jackson to the middle of the intersection of 27th Street & Waco, 472-83961, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### **27TH STREET NORTH 27TH STREET NORTH, FROM ONE-HALF BLOCK WEST OF JACKSON TO JACKSON.** **(DISTRICT VI)**

Jim Armour Acting City Engineer reviewed the item.

Council Member Brewer momentarily absent.

Agenda Report No. 04-0303

27th Street North, from one-half block west of Jackson to Jackson, is an unimproved sand street. Attempts to obtain a valid paving Petition have not been successful. Council member Fearey asked Engineering Staff to begin the process to order in the street improvement. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the project. The Board voted 5-3 to recommend approval of the project. On March 16, 2004 the City Council adopted a resolution to order a public hearing on the proposed street improvement.

The project, if approved, will connect to existing pavement on each end. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The estimated project cost is \$35,000 with \$30,200 assessed to the improvement district and \$4,800 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.46 per square foot of ownership. The Capital Improvement Program includes funding for special assessment projects on an ongoing basis. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Fearey moved that the project be approved and the Resolution adopted. Motion carried 6 to 0, (Brewer momentarily absent).

## RESOLUTION NO. 04-136

Resolution of findings of advisability and Resolution authorizing improving 27th Street North from the west line of Lot 1, Jackson Avenue in F.C. McTaggart's Addition to the middle of the intersection of 27th Street and Jackson, 472-83958, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the

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Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. Brewer momentarily absent.

## **27TH STREET NORTH 27TH STREET NORTH, FROM WACO TO FAIRVIEW. (DISTRICT VI)**

Jim Armour Acting City Engineer reviewed the item.

Agenda Report No. 04-0304

27th Street North, from Waco to Fairview, is an unimproved sand street. Attempts to obtain a valid paving Petition have not been successful. Council member Fearey asked Engineering Staff to begin the process to order in the street improvement. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the project. The Board voted 5-3 to recommend approval of the project. On March 16, 2004 the City Council adopted a resolution to order a public hearing on the proposed street improvement.

The project, if approved, will connect to existing pavement at each end. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The estimated project cost is \$58,000 with \$49,300 assessed to the improvement district and \$8,700 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.33 per square foot of ownership. The Capital Improvement Program includes funding for special assessment projects on an ongoing basis. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Cybil Strum Ms. Strum stated that these projects are getting more and more expensive.

Motion--carried Fearey moved that the project be approved and the Resolution adopted. Motion carried 6 to 0, (Brewer momentarily absent).

### RESOLUTION NO. 04-137

Resolution of findings of advisability and Resolution authorizing improving 27th Street North from the middle of the intersection of 27th Street and Waco to the east line of Fairview, 472-83960, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. Brewer momentarily absent.

## **27TH STREET NORTH 27TH STREET NORTH FROM WELLINGTON TO MARKET. (DISTRICT VI)**

Jim Armour Acting City Engineer reviewed the item.

Agenda Report No. 04-0305

27th Street North, from Wellington to Market, is an unimproved sand street. Attempts to obtain a valid paving Petition have not been successful. Council member Fearey asked Engineering Staff to begin the process to order in the street improvement. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project. On March 16, 2004 the City Council adopted a resolution to order a public hearing on the proposed street improvement.

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The project, if approved, will connect to existing pavement at each end. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The estimated project cost is \$105,000 with \$88,510 assessed to the improvement district and \$16,490 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.40 per square foot of ownership. The Capital Improvement Program includes funding for special assessment projects on an ongoing basis. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Fearey moved that the project be approved and the Resolution adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-138

Resolution of findings of advisability and Resolution authorizing improving 27th Street North from the west line of Wellington to the west line of Market, 472-83959 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ELM PAVING

### ELM PAVING, SHERIDAN TO MT. CARMEL. (DISTRICT VI)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0305

27th Street North, from Wellington to Market, is an unimproved sand street. Attempts to obtain a valid paving Petition have not been successful. Council member Fearey asked Engineering Staff to begin the process to order in the street improvement. District VI Advisory Board sponsored a January 21, 2004, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project. On March 16, 2004 the City Council adopted a resolution to order a public hearing on the proposed street improvement.

The project, if approved, will connect to existing pavement at each end. The design concept will be developed during the preparation of construction plans, but is expected to be a two-lane asphalt roadway with curb and gutter and a storm water sewer system.

The estimated project cost is \$105,000 with \$88,510 assessed to the improvement district and \$16,490 paid by the City. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.40 per square foot of ownership. The Capital Improvement Program includes funding for special assessment projects on an ongoing basis. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Fearey moved that the project be approved and the Resolution adopted. Motion carried 7 to 0.

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## RESOLUTION NO. 04-139

Resolution of findings of advisability and Resolution authorizing improving Elm, from the east line of Sheridan to the west line of Mt. Carmel, 472-83960, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### PARKING PLAN

#### **PARKING PLAN, PARKING GATE REPLACEMENT, AND PUBLIC HOURS OF BUSINESS FOR CITY HALL. (DISTRICT VI)**

Norman Williams

Chief of Police reviewed the item.

Agenda Report No. 04-0307

The current Wichita City Hall building, located at 455 N. Main, was opened to the public in 1976. At the time of initial construction, the campus contained a parking garage that included a repair shop for Police Department vehicles. In 1991, the original parking garage collapsed during a windstorm. The City Hall campus was without a parking garage until 1995, when the current parking plan was adopted and a new parking garage was opened. At the same time, an Amano parking gate system was installed. Now nine years old, the Amano parking gate system has fallen into disrepair and parts are no longer available to make necessary repairs.

Since 1976, City Hall has provided virtually unrestricted visitor access at all times. Recent national and local events have required Staff to re-examine the current philosophy of unlimited access to City Hall. Many functions contained in City Hall are sensitive in nature and could be easily compromised or lost due to unauthorized access. Restricting visitors and non-employees to business hours will help ensure that sensitive and unauthorized areas are not accessed without oversight by City Staff. The practice of restricting visitor access to specific hours is a common practice by both businesses and government entities, including the Sedgwick County Courthouse.

In 2003, Schaefer Johnson Cox and Frey Architecture were hired to develop a City Hall campus redesign that requires adjusting the parking plan for City Hall to address security-related concerns. As part of the process to provide design blueprints for the campus layout, the architect is attempting to define both vehicular and foot traffic patterns for approach to City Hall. The proposed parking plan includes designating the south surface parking lot for City vehicles, the parking garage for employee and City vehicle parking only, and the west surface lots for visitor parking. The approval of the proposed changes to the parking plan will allow the architect to move forward with detailed drawings of the City Hall campus layout.

Public Works has been repairing the obsolete Amano parking gate hardware by purchasing used parts from around the country. In 2003, the Amano used parts needed to repair the system became unavailable. Now, the parking gate system can no longer be repaired and requires replacement. Staff has determined that it would be more feasible to replace the Amano system with a more capable, robust gate hardware system that is tied to the City Hall building automation and security system. The replacement system will allow access to the parking lots and garage through employee identification cards and be able to identify after-hours access.

City Hall is also susceptible to theft, vandalism, and acts of violence. During non-business hours, employees are not present in all areas of the building, which provides for security concerns. Many office areas are easily accessible to unauthorized persons and there is not adequate Staff available to monitor these areas on a continuous basis. Visitor and non-employee access to the Sedgwick County Courthouse is restricted to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday to prevent unauthorized access to office areas and maintain building security. City Staff recommends that hours for visitor access be adopted for City Hall and that a Resolution be signed to establish visitor hours. The Resolution will set specific exceptions for access to City Hall during non-visitor hours. Specific exceptions will cover special meetings, court obligations, persons remaining after business hours, and maintenance. Outlying City facilities (i.e., mini city halls, Police substations) will be utilized for routine functions after normal business hours.

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Replacement of the Amano gate hardware should not exceed \$156,000 and will be completed within 60 days of Council approval. Restricting visitor access to City Hall should not exceed \$2,500 for signage related to the restricted hours. Funds to cover the gate hardware replacement and signage are available in the City Hall First Floor Remodel Project, with a remaining budget of \$1,230,186.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Bud Hensen

Mr. Hensen stated that he resides at 9619 West Lyndale and that if you try to enter the parking garage from Third Street you cannot turn from the right lane and get the ticket out of the box. Stated that the box or gate needs to be similar to the north entrance and that the gate needs to be further away from the street.

Greg Ferris

Mr. Ferris gave the Council the history of the parking garage. Stated that if the Council decides to design this parking lot with one gate that someone will be here telling you that you have to redesign it because that is what they had to do when he was on the Council. Asked that the Council make sure to do this right the first time and make sure that there is adequate ingress egress from this parking lot. Stated that he feels that it is unfortunate that citizens are going to have to walk around the parking garage to get into the building because there is no direct access to this building.

Motion--  
--carried

Fearey moved that the proposed parking plan be approved, the Resolution designating visitor hours to City Hall be adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 04-140

A Resolution establishing hours for visitor access to Wichita City Hall, presented. Fearey moved that be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## BIOSTIMULANTS

### SEWAGE TREATMENT ODOR CONTROL-BIOSTIMULANTS.

David Warren

Water and Sewer Director reviewed the item.

Council Member Gray momentarily absent.

Agenda Report No. 04-0308

The City Council approved Natural Resource Protection, Inc. (NRP) to provide biostimulants for the Sewage Treatment Division on October 7, 2003. The vendor is not meeting the specifications of the Contract. Since the week of March 15, 2004, several odor complaints have been received from the neighborhood north of Plant #2. Staff began the use of ferrous chloride in the system for odor control prior to the expiration of the NRP Contract to attempt to reduce sewer odors. Ferrous chloride was the chemical used to reduce odors before the NRP biostimulant Contract.

Staff identified three options for consideration:

Option #1 The proposals that were received in July 2003 were re-evaluated by a committee from Water & Sewer and Purchasing for the purpose of re-directing the Contract to the second choice vendor OFS, Inc. This is based on pricing and the ability of OFS to provide biostimulants that will meet the level of service per the specifications of the proposal. The Contract would be for a period of six months, with options to renew for one-or-two additional terms of six months, by mutual agreement of both parties.

Option #2 Utilize the existing five chemical injection sites and ferrous chloride to control odors in the system. This method has been used successfully in the past. It is, however, limited to large interceptors, thus reducing treatment flexibility.

Option #3 Renew the Contract with NRP. Staff does not recommend this option.

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Staff believes that either Option 1 or 2 will reduce sewer related odors. Staff further believes that Option 1 offers the City the greatest flexibility in addressing sewer odor concerns.

There are sufficient funds in the Sewage Treatment Operating Budget to cover the cost of the biostimulants with OFS, Inc. The range of cost will be \$320,000 to \$415,187 annually.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Gary Morgan

Mr. Morgan stated that he is the President of NRP, Inc., the company that had this contract up until last month. Stated that in 2002, NRP, Inc. won the contract for biostimulant testing and future use in the City's water system. They were on the contract for approximately eight months and the City came to them and told them that due to political environment here in the City, they feel that they should replace this bid rather than going ahead and giving them the whole City as it is stated in the contract. Stated that the City re-bid the contract and his company won the second bid. In the second bid there were a couple of items that meant nothing to them in what they were trying to accomplish because this was a contract for odor control. In the contract for odor control they were to reduce odors throughout the City and at the plants by at least 50% and they did do so, however, there was a second clause in there that states that the water column level has to be a .5 or below. Stated that this has been a problem with his company and the Water Department. Stated that he has given the Water Department a document stating that these two issues do not correlate. Stated that his company has also saved the City money in sludge control and prevented corrossions in the lines. Asking that the City Council reconsider the rejection of their product and reinstate them and if they are not reinstated they are asking that the next bid be put in a more accurate way so that they can do their job for the City.

Don Cox

Mr. Cox stated that he is the President of OFS and bid this product when the last bid went out and that he has been supplying odor control services for the City of Wichita since 1990. Stated that it cost the City of Wichita an additional \$118,000 in a six-month period to feed the biostimulant, while the odor control was being done by one of their iron products. Stated that his company is ready to provide the combination materials that they feel would handle all the needs such as odor and sludge reduction and would like to offer their secondary bid as a continuing offer at this time.

Mayor Mayans

Mayor Mayans stated that there is no way that he or the City Council want to referee disputes over bidding and contracts.

Motion--

Schlapp moved to direct Staff to issue a new RFP for chemical odor control until responses and pricing is obtained, analyzed and a new contract is negotiated and authorize Staff to continue chemical odor control by use of ferrous oxide.

Council Member Fearey

Council Member Fearey stated that she is concerned regarding the way this process is working. Stated that her first couple of years on the Council, the Staff would have their selection committee and they would come back with a recommendation and now the Council has opened it up and she is concerned that everybody is going to end up seeing everybody else's bid. The City Council needs to get a handle on how RFPs are done and that the Council is either going to let Staff and the selection committee look at these and come back with a proposal that the Council is ready to accept because they are the experts. Stated that she would prefer to defer this item and let Staff see if they can come up with something that makes more sense. Not sure if a new RFP needs to be issued.

--carried

Motion carried 6 to 1. (No-Fearey).

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

### **BOARD APPOINTMENTS.**

Motion--

--carried

Mayans moved to appoint Randy Harder to the Board of Code Standards and Appeals. Motion carried 7 to 0.



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Motion--carried Schlapp moved to appoint Don Balesky to the Retirement Board. Motion carried 7 to 0.

## **NAMING COMM. APPOINTMENT OF PUBLIC FACILITIES NAMING COMMITTEE. (DISTRICT I)**

Agenda Report No. 04-0309

A Naming Committee is needed to select a name for Fire Station No. 10 being relocated to 21st Street N. & Chautauqua. It has been recommended that neighborhoods and businesses in this area would be appropriate representatives to serve on the committee. City Council Policy #13 pertains to naming public facilities and states that a Naming Committee will be established to review proposed and possible names and to submit a naming recommendation to the City Council.

The policy of the City is to appoint a Mayor's Advisory Committee comprised of nominees from each City Council District. The policy provides that each Council member nominate one person to serve on the Committee. Three (3) names have been proposed by a pre-committee comprised of one (1) District I Advisory Board Member; one (1) retired firefighter and resident of District I; and two (2) current firefighters.

No Financial considerations except for the expense of making and placing the sign.

Council Policy #13 establishes the procedure for naming public facilities.

Mayor Mayans Mayor Mayans asked whether there needs to be certain people on this committee and if there has been any discussion as to who those people are.

Council Member Brewer Council Member Brewer explained that the Committee had already selected and narrowed the list down to three names and it is his understanding that the Council is to establish another Mayor's Committee that will go through the three names and come up with a recommendation to the Council.

Cathy Holdeman Cathy Holdeman stated that the Council has a copy of a report called Policy 13, which is called the Mayor's Advisory Committee Naming a Public Facility and in that policy each City Council Member nominates one person to serve on the Committee. To conclude that action each Council Member would need to appoint one person to the Naming Committee.

Mayor Mayans Mayor Mayans stated that this is an issue where there should be discussion prior to discussing it today.

Motion--carried Mayans moved to defer this Item until next week. Motion carried 7 to 0.

## **CONSENT AGENDA**

Council Member Gray Council Member Gray requested that item 36 be pulled.

Council Member Fearey Council Member Fearey requested that item 39 be pulled.

Motion--  
--carried Mayans moved to approve the Consent Agenda as presented, except for items 36 and 39. Motion carried 7 to 0.

## **BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 22, 2004.**

Bids were opened March 26 and March 26, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Bids were opened March 19, March 26, and April 2, 2004, pursuant to advertisements published on:

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PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Planeview grant funded sanitary sewer reconstruction, Phase 2 N/A - south of Pawnee, east of Hillside) (468-83675/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$149,000.00

2004 sanitary sewer reconstruction Phase 3 (various locations) - north of 31st Street South, between 119th Street West and Webb Road. (468-83763/620401/664521) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV,VI)

WB Carter Construction - \$200,031.00

2004 sanitary sewer rehabilitation Phase B (various locations) - north of Kellogg, between Maize and Woodlawn. (468-83764/620400/664520) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,V,VI)

Insituform Technologies - \$188,451.00

Lateral 361 Four Mile Creek Sewer to serve Gateway Center and Kiser West Additions - south of 13th Street North, east and west of Greenwich. (468-83747/744042/480730) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Duling Construction - \$180,110.00

Water distribution system to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (448-89827/735179/470849) Does not affect existing traffic. (District V)

Mies Construction - \$32,192.50

Lateral 13, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing & Tyler's Landing Second Additions - south of 37th Street North, east of Tyler. (468-83725/744033/480721) Does not affect existing traffic. (District V)

Mies Construction - \$190,168.50

Lateral 37 Cowskin Interceptor Sewer to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (468-83634/744045/480733) Does not affect existing traffic. (District V)

McCullough Excavation - \$36,550.00

Eberly Court from the west line of 119th Street West, to and including the cul-de-sac to serve Laurel Acres and Unplatted Tracts (south of 21st Street North, west of 119th Street West) (472-83886/765847/490958) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Ritchie Paving - \$94,751.35

2004 Contract maintenance hot-in-place asphalt repaving (various locations north of Douglas - east of Hydraulic. (472-83921/132716/620398/\_/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II)

Cutler Repaving - \$428,780.00 (Engineer's estimate)

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Lakecrest Circle from the north line of Havenhurst, north to and including cul-de-sac; Havenhurst from the west line of the plat, east to the west line of Lakecrest; Lakecrest from the east line of Havenhurst, south to the north line of 37th Street North; Lakecrest Court (Lots 9 thru 17, Block A), from the west line of Lakecrest west to and including cul-de-sac; Lakecrest Court (Lots 1 thru 6, Block A), from the west line of Lakecrest west to and including cul-de-sac; Lakecrest Court (Lot 3, Block D, and Lots 1 thru 3, Block C), from the south line of Lakecrest, south to and including cul-de-sac to serve Ridge Addition -north of 37th Street North, west of Ridge. (472-83888/765832/490943) Does not affect existing traffic. (District V)

Water distribution system to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (448-89473/735170/470840) Does not affect existing traffic. (District VI)

McCullough Excavation - \$66,100.00

20th Street from the east line of Webb Road to 220' east of the east line of Webb Road to serve Hanley Second Addition - south of 21st Street North, east of Webb. (472-83937/765844/490955) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$62,589.90

2004 Contract maintenance ultrathin asphalt overlay - various locations north of Harry, east of Maize Road. (472-83924/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI)

Ritchie Paving - \$521,300.00 (Engineer's estimate)

Water distribution system to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (448-89891/735167/470837) Does not affect existing traffic. (District V)

Mies Construction - \$87,546.35

Lateral 33 Cowskin Interceptor Sewer to serve Southern Ridge Addition - south of Pawnee, west of Maize. (468-83549/744048/480736) Does not affect existing traffic. (District V)

McCullough Excavation - \$19,400.00

Water distribution system to serve Southern Ridge Addition - south of Pawnee, west of Maize. (448-89766/735182/470852) Does not affect existing traffic. (District V)

Wilks Underground - \$11,192.00

Lateral 5, Main 5 Northwest Interceptor Sewer to serve Copper Gate Estates Addition -south of 13th Street North, west of 135th Street West. (468-83533/744047/480735) Does not affect existing traffic. (District V)

Mies Construction - \$89,807.50

Lateral 44, Main 24 War Industries Sewer to serve Remington Place 3rd Addition - south of 21st Street North, east of Webb. (468-83768/744049/480737) Does not affect existing traffic. (District II)

McCullough Excavation - \$69,750.00

Water distribution system, Phase 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89836/735184/470854) Does not affect existing traffic. (District V)

WBW Contractors - \$29,206.00

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Water distribution system, Phase 5 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89837/735185/470855) Does not affect existing traffic. (District V)

Wilks Underground - \$10,696.00

35th Street South from the south line of Lot 31, Block A, north and east to the west line of Maize Road; 35th Court South from the west line of 35th Street South north to and including the cul-de-sac to serve Lots 23 thru 30, Block A; 35th Court South from the north line of 35th Street South north to and including the cul-de-sac to serve Lots 16 thru 22, Block A; 35th Court South from the north line of 35th Street South north to and including the cul-de-sac to serve Lots 11 thru 15, Block A; 35th Court South from the south line of 35th Street South north to and including the cul-de-sac to serve Lots 10 thru 23, Block B; Sidewalk constructed along one side of 35th Street South to serve Harvest Ridge Addition - south of 31st Street South, west of Maize. (472-83804/765856/490967) Does not affect existing traffic. (District V)

Ritchie Paving - \$329,223.60

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterworks Supplies – Value Boxes.

Heartland Waterworks Supply - \$ 9.1100 (Group 1/item 1 per each)  
\$10.1900 (Group 1/item 2 per each)  
\$ 9.9700 (Group 1/item 3 per each)  
\$41.6200 (Group 1/item 4 per each)  
\$ 9.7600 (Group 1/item 5 per each)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: General Construction – Retractable Seating.

Sutherland Builders Inc. - \$64,000.00 (Group 1 total net bid)

Irwin Telescopic Seating Co. - \$1,817,328.00 (Group 2/total net bid)  
<\$36,345.00> (Group 2/<deduct> for prepayment)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Loop Detector Sealant)

Delta Technologies Inc. - \$10.3700 (Group 1/per Liter)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainageway Mowing.

Commercial Lawn Management LLC - \$41.0000 (Group 1/cost per acre)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Neighborhood Cleanup Services.

Waste Connections Inc. - \$135.0000 (Group 1/item 1/per hour)  
\$ 50.0000 (Group 1/item 2/per each)  
\$110.0000 (Group 1/item 3/per each)

WICHITA TRANSIT DEPARTMENT: Magnetic Bus Tickets.

Electronic Data Magnetics Inc. - \$140.00 (Alternate bid/per M.)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Electrical Dist System Ductbank Relocate.

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Atlas Electric LLC - \$102,380.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Demolition of Heartspring Properties.

H D Mills & Sons - \$306,000.00 (Group 1/total net base bid)

\$ 11,000.00 (Group 1/option 1)

TRANSIT DEPARTMENT: Janitorial Service Transit & Bus Cleaning.

April Cleaning Services - \$16,904.00 (Group 1/base bid)

\$ 25.00 (Group 1/option 2)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Garvey Park Improvements.

Laser Contracting - \$234,000.00 (Total net base bid)

\$ 4,000.00 (Option 1/total net bid)

\$ 2,000.00 (Option 2/total net bid)

\$ 1,000.00 (Option 3/total net bid)

\$ 5,000.00 (Option 4/total net bid)

\$ 2,000.00 (Option 6/total net bid)

\$ 4,000.00 (Option 9/total net bid)

\$ 2,000.00 (Option 10/total net bid)

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Disc Brush Chipper.

Vegetation Management Supply - \$26,820.00 (Total base bid)

\$ 710.00 (Group 1/option 1)

\$ 1,000.00 (Group 1/option 2)

<\$ 3,600.00> (Group 1/option 3 <deduct>)

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Chain Link Fence, Cantilever Gates, Oper.

Kansas Fence Company - \$14,731.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Roof Replacement – McAdams Recreation Center.

Larry Booze Roofing Inc. - \$44,000.00 (Group 1/total net bid)

PARKS & RECREATION DEPARTMENT/RECREATION DIVISION: Diving Standards & Shade Shelters.

Caro Construction Co Inc. - \$25,164.00 (Group 1/total net bid)

\$13,900.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Concrete Replacement Fire Station #14.

Cornejo & Sons Inc. - \$21,972.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Model 7300/DX Color Printers.

Telstar Corporation - \$11,736.00 (Group 1/total net bid)

\$ 1,520.00 (Group 1/option 1)

OM Office Supply Inc. - \$2,782.00 (Group 2/total net bid)

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WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Repairs to Fairbanks Morse Pump-Shaft Assembly at the Hess Pump Station:

Exline, Inc.\* - \$13,167.38

\*Purchasing Ordinance No. 35-856 Section 2.64.020 (b) – Sole Source of Supply

FIRE DEPARTMENT/FIRE MAINTENANCE DIVISION: Motorola XTS5000 Portable Radios and Accessories for XTS5000.

Motorola, Inc.\* - \$615,593.29

\*Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: Body Armor Vest, Lightweight Protective Body Armor Vests.

Baysinger Police Supply\* - \$400.40 (Item 1)

\$589.36 (Item 2)

\*Blanket purchase order contract; BP200030 – Lightweight Protective Body Armor Vest increase for last option year renewal.

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### Renewal Adult Entertainment

Valerie Washington	Xcitement Video	1306 East Harry
Valerie Washington	Xcitement Video	1515 South Oliver

#### Renewal Escort Service

Tekoa Callway A Private Escape 333 East English Street #150

Motion--  
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Jose A. Garcia	Garcia's Tacos*	2138 North Market
Mui Fong Yu (Tam)	Toms Lotus Garden*	822 South Broadway
Edith Boede	Lil Mexico*	1601 East Pawnee
Kimberly A. Gibson	WBG, LLC dba Braburn Golf Course at WSU*	4201 East 21st Street

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Dzung Banh	KC Gas & Groceries #3	1955 South Washington
Ngo T. Thuan	CT Happy Store	2199 Woodlawn
Evan Nguyen	Evans Co. /dba KC Gas and Groceries	1161 North Broadway
Kyle Krause	Kum & Go #327	707 North Waco
Kyle Krause	Kum & Go #328	6330 East 21 Street.

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<u>New Operator</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Juan A. Castaneda	Angelo's Café*	10901 East Kellogg
<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Mark Branham	QuikTrip #315	1500 South Maize Road
<u>Special Events</u>	<u>April 30-May 1, 2004</u>	
Jesse Lopez	La Fiesta del Pueblo	1500 North Emporia
Jaya Escobor	Conpadres/La Fiesta del Pueblo	2100 North Market
	<u>April 30-May 2, 2004</u>	
Jesse Lopez	La Fiesta del Pueblo	363 West 21st Street
	<u>May 7-8-9, 2004</u>	
Pat Audley	Wichita River Festival	Food Court - 225 West Douglas
	<u>May 10,11,12, 2004</u>	
Pat Audley	Wichita River Festival	Food Court - 225 West Douglas
	<u>May 13, 14, 15, 2004</u>	
Pat Audley	Wichita River Festival	Food Court - 225 West Douglas
	<u>May 15, 2004</u>	
Pat Audley	Wichita River Festival	West Bank between McLean & Lewis (south of Douglas

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

## PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Water distribution system to serve Woodland Lakes Estates Third Addition - (north of Harry, west of 127th Street East. (448-89786/735173/470843) Does not affect existing traffic. (District II) - \$50,000.00
- b) Aley Park Tennis Courts Reconstruction Project - west of Seneca, south of Esthner. (472-83940/ /602528/785041/800301/394173) Does not affect existing traffic. (District IV) - \$105,000.00
- c) Murdock Park Tennis Courts Rehabilitation 2003 CDBG - north of Murdock, west of Minnesota. (472-83938/602528/785041/800301/394173) Does not affect existing traffic. (District I) - \$100,000.00
- d) West Douglas Park Tennis Courts Rehabilitation 2003 CDBG - north of Maple, west of Sheridan. (472-83939/602528/785041/800301/394173) Does not affect existing traffic. (District IV) - \$100,000.00
- e) Central from Maize to Tyler, Phase 2 - Landscaping - (472-83659/706848/200267). Does not affect existing traffic. (District V) - \$54,440.00
- f) Aley Park Basketball Courts Reconstruction - west of Seneca, south of Esthner . (472-83965/ /602529/800301) Does not affect existing traffic. (District IV) - \$25,000.00

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g) Auburn Hills from the west line of Lot 10, Block D north to the north line of the plat; Monterey from the west line of Lot 37, Block B east to Auburn Hills; Torrey Pines from the west line of Lot 2, Block B east to Auburn Hills; Auburn Hills Court from Auburn Hills west to and including the cul-de-sac (Lots 1 thru 4, Block A and Lots 1 thru 6, Block B); Sidewalk along one side of Monterey, Auburn Hills and Torrey Pines to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (472-83930 /765841/490952) Does not affect existing traffic. (District V) - \$494,000.00

h) Lateral 42, Main 15 Southwest Interceptor Sewer to serve Lake Ridge Commercial Second Addition -north of 21st Street North, east of Ridge) (468-83769/744040/480728) Does not affect existing traffic. (District V) - \$17,630.00

i) Shiloh Street from Harry to the north line of the plat, on Boston and Zimmerly from the east line of Shiloh Street to the east line of Shiloh Street; Shiloh Court from the west line of Shiloh Street to and including the cul-de-sac; Boston Court from the north line of Boston to and including the cul-de-sac; Sidewalk on one side of Shiloh Street, Boston and Zimmerly to serve Crystal Creek Addition - north of Harry, west of Greenwich. (472-83818/765818/490929) Does not affect existing traffic. (District II) - \$810,000.00

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## **DEEDS/EASEMENT DEEDS AND EASEMENTS:**

a) Utility Easement dated December 17, 2003, from Builders Development, Inc. for a tract located in Lot 19, Block 3, The Legacy Addition, and Addition to Wichita, Sedgwick County, Kansas (497 SWI, Legacy OCA#744027). No cost to City.

b) Drainage and Utility Easement dated December 22, 2003 from Westlake LLC, a Kansas Limited Liability Company, for tracts of land located in Lots 1 and 2, Block A, The Thunderbird Office Park, and Addition to Wichita, Sedgwick County, Kansas (Private Project OCA#607861). No cost to City.

c) Drainage Easement dated December 23, 2003 from C-Creek, LLC, a Kansas Limited Liability Company, for tracts of land located in Lots 4, 5 and 6, Block D, Crystal Creek Addition, Wichita, Sedgwick County, Kansas (Private Project OCA#607861). No cost to City.

d) Drainage Easement dated January 26, 2004 from Fouts Geller Development, LLC for a tract of land in the Northwest Quarter of Section 4, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (29th, Maize to Tyler, OCA#706868). No cost to City.

e) Sanitary Sewer Easement dated February 4, 2004 from Gateway Center, LLC by: Ritchie Development Corporation for a tract of land located in Reserve A in Killenwood Pointe Addition, an Addition to Wichita, Sedgwick County, Kansas (361 FMC Kiser West OCA#744042). No cost to City.

f) Sanitary Sewer Easement dated February 3, 2004 from Venture Seven Development, LLC and Gateway Center, LLC for tracts of land located in Lots 1 through 11, Block 1 in The Gateway Center Addition, and Addition to Wichita, Sedgwick County, Kansas (361 FMC Kiser West OCA#744042). No cost to City.

g) Sanitary Sewer Easement dated February 3, 2004 from Gateway Center Addition Master Owner's Association for tracts of land located in Lot 12, Block 1 in The Gateway Center Addition, an Addition to Wichita, Sedgwick County, Kansas (361 FMC Kiser West OCA#744042). No cost to City.

Motion--carried Mayans moved that the Deeds and Easements be accepted. Motion carried 7 to 0.



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## NICE'S ADDITION

### PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF NICE'S ADDITION, NORTH OF 13TH STREET, EAST OF HIGH. (DISTRICT VI)

Agenda Report No. 04-0310

The project will provide water service to a residential site located north of 13th, east of High Street.

The Petition totals \$3,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 04-141

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89926, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## WAWONA STREET

### PETITION TO PAVE WAWONA STREET IN THE COLLECTIVE ADDITION, EAST OF K-96, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 04-0311

On December 2, 2003, the City Council approved a Petition to pave Wawona Street in The Collective Addition. Based on receipt bid prices, the budget set by the Petition is not sufficient to award a contract. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new retail development located east of K-96, south of 21st.

The original Petition totaled \$120,000. The new Petition totals \$150,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 04-142

Resolution of findings of advisability and Resolution authorizing improving Wawona, from the south line of 21st Street North to the north line of Lot 3, Block 1, The Collective Addition (east of K-96, south of 21st Street) 472-83455, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## HILLTOP ACRES

### **PETITION TO SANITARY SEWER AND WATER DISTRIBUTION SYSTEM FOR HILLTOP ACRES ESTATES ADDITION, EAST OF 151ST STREET WEST, NORTH OF 29TH STREET NORTH. (DISTRICT V)**

Agenda Report No. 04-0312

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new residential development located east of 151st Street West, north of 29th Street North.

The Petitions total \$344,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 04-143

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89928 (east of 151st Street West, north of 29th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

#### RESOLUTION NO. 04-144

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 9, Northwest Interceptor Sewer (east of 151st Street West, north of 29th Street North) 468-83781, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

## REGENCY LAKES

### **PETITION TO CONSTRUCT A STORM WATER DRAIN FOR REGENCY LAKES COMMERCIAL SECOND ADDITION, NORTH OF 21ST STREET WEST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 04-0313

On February 10, 2004, the City Council approved a Petition to construct a concrete box culvert to serve Regency Lakes Commercial 2nd Addition, located north of 21st, west of Greenwich. Storm water from the development drains south through an existing culvert under 21st Street. The capacity of the 21st Street culvert needs to be increased. The developer of Regency Lakes Commercial 2nd Addition has submitted a Petition to expand the project to include the construction of an additional box culvert under 21st Street. The signature on the Petition represents 100% of the improvement district.

A very large retail store is being built in Regency Lakes Commercial 2nd Addition. Constructing the additional box culvert under 21st Street at this time will eliminate the need to disrupt traffic into the site after the store is open.

The Petition totals \$392,000, with \$342,000 assessed to the improvement district and \$50,000 paid by the Storm Water Utility.

State Statutes provides that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

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Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-145

A Resolution amending Resolution No. 04-071 pertaining to Storm Water Drain No. 225 (north of 21st Street, west of Greenwich) 468-83775, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

## **REDMOND ESTATES PETITION TO CONSTRUCT SANITARY SEWER AND WATER DISTRIBUTION SYSTEM FOR REDMOND ESTATES ADDITION, WEST OF 119TH STREET WEST, SOUTH OF 31ST STREET SOUTH. (DISTRICT IV)**

Agenda Report No. 04-0314

The Petitions have been signed by four owners, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new residential development located west of 119th Street West, south of 31st Street South.

The Petitions total \$715,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-146

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89927 (west of 119th Street West, south of 31st Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-147

Resolution of findings of advisability and Resolution authorizing improving of Lateral 43, Cowskin Interceptor Sewer, (west of 119th Street West, south of 31st Street South) 468-83780, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 04-0315

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

§ Farmer's Market April 3 – October 23, 2004  
Mosley & Rock Island from the Farm & Art Market Building north to First Street as need arises on Saturdays during Market season. Need would be based on number of vendors scheduled for a particular Saturday. Closure of Rock Island is only requested if Plaza and Mosley Street will not accommodate an

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unusually high number of vendors. Street closure would affect vehicles only. Pedestrians access would be maintained on both streets.

§ 2004 Catholic Family Federal Credit Union Sunday, May 2, 2004  
North Glenn from Douglas to north edge of church property/parking lot (no residential area of street included) from 1:00 – 8:00 p.m. for Annual Meeting & Open-House

§ Club 316 Car Show Sunday, May 2, 2004  
North Emporia from Douglas to First Street North from 11:00 a.m. – 6:00 p.m.

· Fastlane Powersports Commercial Shoot Sunday, April 18, 2004  
2822 East 31st Street – 1:00-3:00 p.m.  
One lane only for westbound traffic in front of business located at this address

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

## BOND MANAGER

### MUN-EASE-THE MUNICIPAL BOND MANAGER.

Agenda Report No. 04-0316

In 1998, the City purchased the software Mun-Ease, The Municipal Bond Manager, to use as a database for all of the City's outstanding debt. Over the years, the City has purchased upgrades for the system.

An upgrade for the current Mun-Ease software system is now available for purchase. Some enhancements available with the upgrade include:

Ø The ability to download and upload from current Microsoft applications for report presentations. The old version required a separate software package to customize reports;

Ø The ability to help with continuing disclosure through new report capabilities tied to the internet module. Reports available for viewing would include individual and combined debt service, combined indebtedness, allocated debt service and a summary of bond statistics. In addition, disclosure documents or links to the documents can be placed on the site; and

Ø The availability of new GASB 34 reports including combined debt service reports that show debt service on an accrual basis (stand-alone and allocations) and an excess indebtedness amortization report.

Finance uses Mun-Ease software to prepare monthly debt service payment schedules. The database is used for documentation for the CAFR. Mun-Ease is also used to verify bids during bond sales. The refunding module allows the City to determine the cost effectiveness of doing a refunding on outstanding debt. The software program offers many different modules that can be used to maintain existing data as well as project the impact of future debt issuance.

The vendor presented the upgrade costs in terms of new applications, new user fees, training fees and future maintenance fees. The costs for 2004 are as follows:

Ø	Upgrade of current program	\$1,750
Ø	Six additional users (List price of \$1,000 per user reduced) -	2,000;
Ø	Upgrade for the internet module -	900.

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Ø Total Costs for 2004 - \$4,650.

The costs for the 2005 FY are as follows:

Ø Yearly maintenance and support fee for  
the current 4-user LAN version - \$1,750;  
Ø Yearly maintenance and support fee  
for the internet module - 900;  
Ø Future maintenance and support fees for  
six new users (list fee of \$400 per user  
reduced to \$150 per user) - 900.  
Ø Total Costs for 2005 - \$3,550.

The vendor has offered his time to train City Staff on the software if the City agrees to pay for his travel and out of pocket expenses. It is estimated that airfare, hotel, food and in-town transportation would be approximately \$680.00. This amount is less than it would cost to send Staff to training in another city and the training that the City Staff would receive would be geared towards our own existing debt and would be applicable to our debt environment. Off-site training is more focused on mainstream issuance and covers applications that the City does not currently use. Funding for the program is available from the Bond Issuance expense account.

The Law Department will approve the contract as to form.

Motion--

Mayans moved that the contract with Prescient Software for the purchase of the Mun-Ease and the Municipal Bond Manager be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## **AUBURN HILLS 14TH AGREEMENT TO RESPREAD ASSESSMENTS: AUBURN HILL 14TH ADDITION, SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (DISTRICT V)**

Agenda Report No. 04-0317

The landowners, West Wichita Development, Inc.; Robl Construction, Inc.; Casado-McKay Homes, L.L.C.; Randy Ketzner Construction, Inc.; Paradigm Homes, L.L.C.; Lifestyle Homes Group, Inc.; Randy Dean Construction, Inc.; Jeremy K. Henak and Jennifer Henak; and Lewis A. Kelley and Bree A. Russell, have submitted an Agreement to respread special assessments within Auburn Hills 14th Addition.

The land was originally included in an improvement district for a street improvement project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will remain spread on a square foot basis.

Motion--

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## **GOLF PRO SHOP**

### **AGREEMENT FOR GOLF COURSE PRO SHOP SALES SERVICES.**

Agenda Report No. 04-0318

The City currently operates five municipal courses. City Staff performs all maintenance functions at all courses. At Auburn Hills, Macdonald Park, and L.W. Clapp, the Department of Parks and Recreation has assumed clubhouse activities within and have hired City-employed golf professionals.

It is the intent of the Department of Parks and Recreation to have the Golf Professionals be responsible for stocking all golf-related inventory at these three facilities, thereby alleviating for the City any expense for golf apparel and equipment. City-employed Golf Pros will then lease floor space at the clubhouses for 5% of gross sales. The proposed agreements include a two-year term.

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The agreement will provide a modest amount of additional revenue for the Golf Fund and reduce expenditures for golf-related inventory.

The agreements will be subject to approval as to legal form by the Department of Law.

Motion--  
--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **US 54 KELLOGG/ ROCK ROAD**

### **CONTRACT FOR CONSULTANT SERVICES FOR ACQUISITION AND RELOCATION: US-54, KELLOGG/ROCK ROAD INTERCHANGE PROJECT. (DISTRICT II)**

Agenda Report No. 04-0319

The City has been acquiring tracts for the Kellogg/Rock Road Interchange project since 2001. Land Acquisitions, Inc., a right-of-way acquisitions and relocation firm was contracted to provide assistance on the project. Their contract expired in late 2003. With the finalization of project design, several parcels have recently been added to the project.

The prior contract for acquisition and relocation services has expired. New proposals to provide these services were solicited from qualified firms. Three firms solicited proposals. Land Acquisitions, Inc. was selected from among the proposals based on qualifications and the lowest cost. Based on their proposal, it is estimated that \$8,000 will be sufficient to complete the assignment.

Funding is available within the project budget to fund the proposed increase. Project costs will be funded with local sales tax revenues.

Motion--  
--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **ENCROACHMENT**

### **EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT VI)**

Agenda Report No. 04-0320

The Agreement allows Lawrence Turner, 1452 High St., to occupy and construct, improvements on, over, and across a public utility easement 16 feet in width described as the west 16 feet of the east 162 feet of Lot 11, Nice's Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

The improvement is a 16-foot by 22-foot shed encroaching 7.2 feet into the above-described easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **ENCROACHMENT**

### **EASEMENT ENCROACHMENT AGREEMENT. (District V)**

Agenda Report No. 04-0321

The Agreement allows David A. and Deborah McClanahan, 434 S. Firefly, to occupy and construct, improvements on, over, and across a public utility easement 20 feet in width described as the east 20 feet of Lot 18, Block B, Maple Valley Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

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The improvement is a 12-foot by 14-foot shed on skids encroaching in the northeast corner of the above described easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in, or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## ROUTE STUDY

### **ROUTE STUDY FOR NORTH AREA SEWER AGREEMENT. (DISTRICT VI)**

Agenda Report No. 04-0322

The Capital Improvement Program includes a project to extend sanitary sewer mains to areas in which sanitary sewer service is not currently available. One such area is bounded by West Street, the Little Arkansas River, ½ mile north of 61st Street North, and approximately ¼ mile south of 53rd Street North. The area is primarily residential and undeveloped land. The Department of Environmental Health reports that there is a number of failing septic systems in the residential neighborhoods. Pollution is a concern due to the close proximity of private lateral lines to the Little Arkansas River.

The District Advisory Board for District VI reviewed the proposal to serve the area on May 5, 2003. Thus far, two developers and one property owner have signed a petition for sewer service; however, Staff survey indicates that other property owners may join the benefit district as the project becomes more definite.

An RFP was distributed with four proposals received. The Staff Screening & Selection Committee met on February 4, 2004, and unanimously recommended Baughman Company, P.A. The "Scope of Services" in the Agreement is to conduct a study to determine the optimal location or routes for a force main that will be used for either a gravity flow or vacuum sewer system. Due to shallow ground water in the area, Staff believes that gravity and vacuum types of systems will work the best.

Payment for the performance of the professional engineering services will be made in one sum of \$32,000. The Resolution of Findings of Advisability and Bond Resolution authorizing the improvement of Main 15, Sanitary Sewer 23, was approved by City Council on October 21, 2003. The cost for design and construction is estimated at \$2,750,000. The Sewer Utility will pay 84% and the remaining 16% will be payable by Special Assessments.

City Council approval is required for all Contracts in excess of \$10,000.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## AUBURN HILL 15TH

### **CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 15TH ADDITION, WEST OF 135TH STREET WEST, NORTH OF KELLOGG - SUPPLEMENTAL. (DISTRICT V)**

Agenda Report No. 04-0323

The City Council approved the water distribution system, sanitary sewer and paving improvements in Auburn Hills 15th Addition on January 6, 2004. On March 16, 2004, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

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Payment to Baughman will be on a lump sum basis of \$35,000, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## **NORTHRIDGE PLAZA CONSTRUCTION ENGINEERING AND STAKING IN NORTHRIDGE PLAZA ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE ROAD - SUPPLEMENTAL. (DISTRICT V)**

Agenda Report No. 04-0324

The City Council approved the storm water drainage improvements in Northridge Plaza Addition on February 3, 2004. On March 16, 2004, the City approved an Agreement with Baughman Company, P.A. to design the storm water drainage improvements. The Design Agreement with Baughman requires Baughman to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$9,260, and will be paid by special assessments.

Motion --  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **CRYSTAL CREEK STAKING IN CRYSTAL CREEK ADDITION, NORTH OF HARRY, WEST OF GREENWICH - SUPPLEMENTAL. (DISTRICT II)**

Agenda Report No. 04-0325

The City Council approved the storm water drainage improvements in Crystal Creek Addition on August 5, 2003. On November 4, 2003, the City approved an Agreement with Baughman Company, P.A. to design the storm water drainage improvements. The Design Agreement with Baughman requires Baughman to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment will be on a lump sum basis of \$8,980, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **NORTHWEST INTERCEPTOR NORTHWEST INTERCEPTOR SEWER, WEST OF MAIZE ROAD, NORTH OF 29TH STREET NORTH - SUPPLEMENTAL. (DISTRICT II)**

Agenda Report No. 04-0326

On November 5, 2002, the City entered into an Agreement with Baughman Company, P.A. to design sanitary sewer and water improvements to serve an area generally west of Maize Road and north of 29th Street North. The fee was \$28,000.

The original route for the sanitary sewer includes an area that has since been annexed by Maize. An alternative route has been selected that will require additional survey and redesign. Baughman has been



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asked to revise the design of the sanitary sewer. A Supplemental Agreement has been prepared for the additional design fees.

Payment to Baughman will be on a lump sum basis of \$6,850 and will be paid by Revenue Bonds and Operating Revenues.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ASBESTOS SURVEY ASBESTOS SURVEY-SELECTION OF VENDOR.

Agenda Report No. 04-0327

Various City departments require asbestos survey services for demolition and remodeling projects as required by the Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE). Requests for Proposals (RFP) were mailed to companies performing these services on January 15, 2004 (FP400007).

Nine (9) firms responded to the proposal as follows: Allied Environmental Consultants (AEC) at \$74049, APEX Environmental Consultants, Inc. at \$53,150 corrected from \$48,750, Asbestos Consulting Testing (ACT) at \$33,690 corrected from \$33,190, Integrated Solutions, Inc. (ISI) at \$36,104 corrected from \$36,112, Minority Contractors & Consultants, Inc. (MCCI) at \$27,160 corrected from \$37,160, Precision Environmental Services at \$53,002, Terracon at \$108,080, Tetra Tech Inc. hourly rates provided, and Workplace Injury Prevention & Evaluation (WIPE) at \$52,121.25.

The Staff Screening and Selection Committee at their February 26, 2004 meeting took the following actions:

- Whereas one of the most critical aspects of whom the City would hire is based on their ability to respond quickly with a quick turn around for providing an inspection report, the committee voted unanimously to eliminate the companies from out of town. This short-listed the firms of APEX, ACT, and Tetra Tech.
- The committee voted unanimously to eliminate the firms of AEC and Terracon because of their high unit price quotes.
- The committee voted unanimously that more information was needed regarding the remaining four firms. They requested Staff research the following and reconvene the committee at a later date:
  - o Write MCCI and ask that they provide a sample inspection report, identify who they use for asbestos sampling testing laboratory, provide the names, licenses and certificates of two additional Staff persons they would hire if the work load required, confirm their unit price quote as there was a \$10,000 math error which reduced their proposed quote, and verify that they understand that if awarded the contract for asbestos survey/inspections they would not be eligible for asbestos abatement work.
  - o Complete reference checks on all four firms of the references provided within each proposal and KDHE Asbestos Compliance Section.

The Staff Screening and Selection Committee at their March 22, 2004 meeting evaluated the additional information as follows:

- Reference checks of all four firms were completed. All responses from the references from each company were positive. KDHE advised they do not monitor consulting firms but of the two firms that also provide asbestos abatement services, ISI and MCCI, neither firm had any outstanding compliance issues in the last five years concerning abatement projects.
- MCCI did not provide any further information after several attempts from Staff through email, phone, fax and U.S. mail to gain the information as described above.
- MCCI was advised that some of what the committee was requesting as far as additional information/documentation was required under the Request for Proposal and was provided by the other firms being considered.

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The Staff Screening and Selection Committee found that MCCI, based on their fee proposal and reference checks, was the apparent best proposal, but because MCCI did not provide the requested additional information, some of which was required to be submitted under the terms of the Request for Proposal, was disqualified as an incomplete proposal.

The committee voted unanimously to select Integrated Solutions, Inc. (ISI), a woman owned business, for this project based on their competitive fee proposal and qualifications.

The Contract will not obligate the City to any specific purchases or volume of purchases on asbestos surveys. It only provides the departments the ability to obtain asbestos surveys from the most qualified, cost-effective vendor.

The Law Department will review and approve the Contract as to form.

Motion--  
--carried

Mayans moved that the selection of Integrated Solutions, Inc. (ISI) be approved and the Purchasing Manager be authorized to negotiate the Contract. Motion carried 7 to 0.

## BOND SERVICES

### ENGINEERING AND MANAGEMENT BOND SERVICES.

Agenda Report No. 04-0328

The Water & Sewer Utility is legally required to hire an independent engineering firm to evaluate and report on the condition and operation of the utility every three years. The last report was completed in 2001. In addition, a Bond Feasibility Study must be conducted prior to selling revenue bonds. The utility intends to sell revenue bonds in August 2004, and the utility may also sell revenue bonds in 2005 and/or 2006.

Much of the information required in the two reports is the same. Staff proposes hiring one engineering firm to provide both documents, and any subsequent bond feasibility studies required through the year 2006, to avoid paying two firms to collect the same information.

Four firms submitted proposals: Burns & McDonnell, Black & Veatch, R. W. Beck and Raftelis Financial Consulting. The costs proposed to provide the Condition and Operation Report and up to three Bond Feasibility Studies are:

Burns & McDonnell	\$94,200
R. W. Beck	\$133,000
Raftelis Financial Consulting	\$195,501
Black & Veatch	\$212,600

Raftelis Financial Consulting is primarily a financial firm, and although they proposed a subcontract with Professional Engineering Consultants, their qualifications were questionable. The other firms are well known and highly respected nationally, having produced many of these reports for other utilities.

The Staff Screening & Selection Committee met March 17, 2004. They met again March 24 to conduct telephone interviews with Burns & McDonnell and Black & Veatch, and on March 29 to conduct a telephone interview with R. W. Beck. The committee recommends hiring Burns & McDonnell, whose bid is significantly lower.

The Condition and Operation report is an operational expense that will be paid from the operating budget. The cost will be \$24,700 if Burns & McDonnell is selected. The cost for the Bond Feasibility Study (\$29,500 from Burns & McDonnell) will be included in bond issuance expenses. Subsequent studies would be about \$20,000 each.

The triennial Condition and Operation Report is required by the bond ordinance. The Contract has been submitted to the Law Department for approval as to form. Contracts in excess of \$10,000 require approval by the City Council.

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Motion--  
--carried

Mayans moved that the Contract to Burns and McDonnell be awarded and the necessary signatures, subject to review and approval by the Law Department, be authorized. Motion carried 7 to 0.

## 2004 KDOT GRANT

### 2004 KDOT GRANT - SUPPLEMENTAL.

Agenda Report No. 04-0329

The Kansas Department of Transportation provides annual public transportation funding support through the Comprehensive Transportation Program (CTP). The City of Wichita entered into its current FY 2004 Agreement with KDOT on October 31, 2003 in the amount of \$1,110,434 for capital and operating assistance.

In order to facilitate a request by KDOT to roll over the remaining balance of the previous year's funds (FY2003 funds in the amount of \$244,682.11) so that they may close the FY2003 agreement, the FY2004 Agreement must be amended to reflect that increase. This is the first year that KDOT has required rolling previous year balances into new agreements. It is anticipated that this will be a continuing process and that once each year an amendment will be required if carry over funds are available.

The rolling over of the FY2003 remaining balance of \$244,682.11 into FY2004 will result in a total FY2004 KDOT Agreement of \$1,355,116.11 to be used for capital and operating assistance, the same net total as under the method of accounting previously used.

The City Law Department will review the supplemental agreement prior to execution as to form.

Motion--  
-- carried

Mayans moved that the Agreement/Contract be approved and the signatures be authorized. Motion carried 7 to 0.

## BOATHOUSE

### CONTRACT FOR BUILDING ATTENDANT-UNARMED SECURITY OF THE WICHITA BOATHOUSE.

Agenda Report No. 04-0330

The City Council had previously approved Myers Security to provide unarmed security services for the Wichita Boathouse at the November 25, 2003 City Council meeting. The vendor is not in compliance with required specifications.

The proposals, which were received in October 2003, were re-evaluated by Staff committee and recommend the second place vendor based on the pricing and ability to provide unarmed security services that will meet the level of service per the specifications of the proposal.

The contract will be for a period of one (1) year, with options to renew under the same terms and conditions for one (1) or two (2) one (1) year periods by mutual agreement of both parties. Estimated cost of yearly contract not to exceed \$16,000. Sufficient funds are budgeted for 2004 in the Wichita Boathouse budget.

The Law Department will approve the contract as to form.

Motion--  
--carried

Mayans moved that the award of the contract to PSI, Professional Security, Inc. to provide Unarmed Security Services for the Wichita Boathouse be approved; and the necessary signatures authorized. Motion carried 7 to 0.

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**2004 ARTER. STREET 2004 ARTERIAL STREET DESIGN CONTRACT: MAPLE AT RIDGE INTERSECTION.**  
**(DISTRICT V)**

Agenda Report No. 04-0331

The 2004 Capital Improvement Program (CIP) includes funding for arterial street design projects. The design of the improvement of the intersection of Maple at Ridge is one of 21 such projects contained in the CIP. The Staff Screening and Selection Committee selects design engineers for each project.

On October 22, 2003, MKEC Consultants was selected by the Staff Screening & Selection Committee to provide design services for the improvements to the intersection of Maple at Ridge. The design fee is \$57,500.

The budget contained in the 2004 CIP is \$800,000, with \$720,000 to be paid by Federal grants administered by the Kansas Department of Transportation and \$80,000 by the City-at-Large. \$70,000 for design costs is being requested at this time.

Motion--  
--carried

Mayans moved that the design project and Agreement be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

**ENGLISH COUNTRY DESIGN SERVICES - ENGLISH COUNTRY GARDENS ADDITION, EAST OF TYLER,**  
**GARDENS ADD. NORTH OF 13TH STREET. (DISTRICT V)**

Agenda Report No. 04-0332

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in English Country Gardens Addition on February 10, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water drainage and paving in English Country Gardens Addition. Per Administrative Regulation 7a, Staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$95,000, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**HIGHLAND SPRINGS DESIGN SERVICES - HIGHLAND SPRINGS THIRD ADDITION, WEST OF 135TH STREET**  
**WEST, SOUTH OF CENTRAL. (DISTRICT V)**

Agenda Report No. 04-0333

The City Council approved the water distribution system, sanitary sewer and paving improvements in Highland Spring 3rd Addition on May 20, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Highland Springs 3rd Addition. Per Administrative Regulation 7a, Staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to Baughman will be on a lump sum basis of \$31,800, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**SIERRA HILLS ADD. DESIGN SERVICES - SIERRA HILLS ADDITION, 127TH STREET EAST, PAWNEE TO MT. VERNON. (DISTRICT II)**

Agenda Report No. 04-0334

The City Council approved the paving improvements in Sierra Hills Addition on March 16, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of paving in Sierra Hills Addition. Per Administrative Regulation 7a, Staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$18,720, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**HOOVER/ELM/9TH DESIGN SERVICES -HOOVER, BETWEEN ELM AND 9TH STREET. (DISTRICT VI)**

Agenda Report No. 04-0335

The City Council approved the paving of Hoover between Elm and 9th Street on February 3, 2004.

The proposed Agreement between the City and Certified Engineering Design, P.A. provides for the design of Hoover between Elm and 9th Street. The Staff Screening & Selection Committee selected Certified Engineering for the design on March 5, 2004.

Payment to Certified will be on a lump sum basis of \$11,977, and will be paid by special assessments and General Obligation Bonds.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**GATEWAY CENTER WEST DESIGN SERVICES - THE GATEWAY CENTER AND KISER WEST ADDITIONS, SOUTH OF 13TH STREET, EAST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 04-0336

The City Council approved the sanitary sewer improvements in The Gateway Center and Kiser West Additions on January 6, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of a sanitary sewer in The Gateway Center and Kiser West Addition. Per Administrative Regulation 7a, Staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to MKEC will be on a lump sum basis of \$22,000, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **GATEWAY CENTER DESIGN SERVICES - THE GATEWAY CENTER ADDITION, SOUTH OF 13TH STREET, EAST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 04-0337

The City Council approved the traffic signal in The Gateway Center Addition on March 23, 1999.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of a traffic signal in The Gateway Center Addition. Per Administrative Regulation 7a, Staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$12,000, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **EVERGREEN 4<sup>TH</sup> ADD. DESIGN SERVICES-EVERGREEN FOURTH ADDITION, SOUTH OF 29TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)**

Agenda Report No. 04-0338

The City Council approved the water distribution system, sanitary sewer, storm water and paving improvements in Evergreen 4th on November 4, 2003.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water and paving in Evergreen 4th Addition. Per Administrative Regulation 7a, Staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$60,000, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **REGENCY LAKES DESIGN SERVICES - REGENCY LAKES COMMERCIAL SECOND ADDITION, NORTH OF 21ST STREET, WEST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 03-0339

The City Council approved the storm water drainage and traffic signal improvements in Regency Lakes Commercial 2nd Addition on February 10, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of storm water drainage and a traffic signal in Regency Lakes Commercial 2nd Addition. Per Administrative Regulation 7a, Staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to PEC will be on a lump sum basis of \$24,000, and will be paid by special assessments.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **2402 SOUTH MOSLEY ACQUISITION OF 2402 SOUTH MOSLEY FOR PAWNEE AND WASHINGTON INTERSECTION IMPROVEMENT PROJECT. (DISTRICT III)**

Agenda Report No. 04-0340

On October 21, 2003, the City Council approved the improvement of the intersection of Pawnee and Washington. The project will require the acquisition of several parcels of land and easements. One of the required acquisitions is the single-family residence at 2402 South Mosley. The parcel is owned by Abbot and Murphy Properties.

The property was appraised at \$54,000. This amount was offered to the owners and accepted. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The project funding source is General Obligation bonds and Federal monies. A budget of \$60,000 is requested. This includes \$54,000 for the acquisition, \$5,000 for demolition and \$1,000 for title work and closing costs.

Motion--  
--carried

Mayans moved that the budget be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **21<sup>ST</sup> STREET BRIDGE ACQUISITION OF A PERMANENT EASEMENT OVER A PORTION OF 721 EAST 21ST STREET NORTH FOR 21ST STREET BRIDGE OVER CHISHOLM CREEK. (District VI)**

Agenda Report No. 04-0341

On February 3, 2004, the City Council approved the project location and initiation of acquisition for the reconstruction of the bridge over the west branch of Chisholm Creek at 21st Street North. The project will require the acquisition of two permanent easements. One of the required easements is located at 721 East 21st Street North. The parcel is owned by Webb Road Development, Inc.. The easement area is undeveloped.

The project requires a 1,170 square foot triangular tract at the northwest corner of the site. The easement was valued at \$5,850 and the owner has agreed to grant the necessary easement for this amount.

The funding source is general obligations bonds and Federal highway improvement monies. A budget of \$6,000 is requested. This includes \$5,850 for the easement and \$150 for title work and closing costs.

Motion--  
--carried

Mayans moved that the budget be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **145 NORTH HILLSIDE ACQUISITION OF A PORTION OF 145 NORTH HILLSIDE, HILLSIDE KELLOGG TO CENTRAL. (DISTRICT II)**

Agenda Report No. 04-0342

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is a portion of 145 North Hillside. The site contains 26,000 square feet and is improved with a 3,591 square foot

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automotive repair facility. The project requires the east 20 feet of the property or 2,000 square feet. One drive on 1st Street and one drive on Hillside will also be closed by the project.

The acquisition was appraised at \$23,500. As part of the project, the City acquired the adjacent property at 137 North Hillside. The project required the removal of the improvements at 137 North Hillside, leaving a remnant parcel containing 6,500 square feet. The County had the land at 137 North Hillside valued at \$4.12 per square foot prior to the acquisition. Using this value, the remnant value is \$27,780. The owner of 145 North Hillside has agreed to trade the portion of his property needed for the project for the remnant.

Funds have been budgeted in the 2004 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$2,000 is requested for closing costs, surveys, Title Insurance and other miscellaneous costs.

Motion--  
--carried

Mayans moved that the Budget and Real Estate Purchase Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY DISP.

### **SALE OF SURPLUS PROPERTY: LOCATED AT THE SOUTHWEST CORNER OF WACO AND CENTRAL. (DISTRICT VI)**

Agenda Report No. 04-0343

The City-owned parcel at the southwest corner of Central and Waco contains approximately 185,000 square feet. The "L" shaped parcel is developed with a parking lot on the corner, a small commercial building currently used as a day care on the south portion and open space on the west leg. The east part of the parcel is zoned General Commercial and the west portion is zoned Multi-family. The property was acquired as part of an urban renewal project and has been offered for sale for several years.

The Wichita Independent Business Association (WIBA) has offered \$4.00 per square foot for the paved area at the corner of Central and Waco (approximately 44,000 square feet). They intend to build a new headquarters building approximately 6,000 square feet in size. They are currently located in a building on South Main Street that will be demolished for the WaterWalk project. They have requested a right of first refusal on the remainder of the site. The property was included in the property-marketing program completed on October of 2003 with no offers received. A 2002 letter valuation of the site, valued the property between \$3.50 and \$5.00 per square foot. The County has the property appraised at \$2.88 per square foot.

The City will receive cash consideration from the sale of the property at closing. The property will return to the tax rolls and the City will no longer be responsible for maintenance.

Motion--  
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## COW SKIN CREEK

### **CHANGE ORDER: COWSKIN CREEK WATER RECLAMATION FACILITY.**

Agenda Report No. 04-0344

Dondlinger & Sons Construction Co., Inc., was awarded a Contract in November of 2001 in the amount of \$12,617,595 to construct the Cowskin Creek Water Reclamation Facility. Change Order No. 1 was approved on March 18, 2003, in the amount of \$99,206.

Change Order No. 2 consists of three Proposed Contract Modifications (PCMs) representing a net reduction in Contract price of \$8,824. Change Order No. 3 effectively transfers any additional project closeout functions from the Contractor to the Water & Sewer Department. Dondlinger has reduced the Contract price by \$58,252.



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Staff believes all remaining closeout work can be completed more quickly and efficiently by Department Staff. Approval of the Change Orders will reduce the cost of the project.

Funding is available in the Northwest Sewage Treatment Plant and Basins 1,2,3 (S-540). The modifications to the Contract result in a net price reduction of \$67,076. A fraction of this amount will be expended to effectively complete the project.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## EMER. SHELTER

### GRANT APPLICATION FOR KANSAS EMERGENCY SHELTER GRANT FUNDS.

Agenda Report No. 04-0345

The State of Kansas receives Emergency Shelter Grant (ESG) funds under the McKinney-Vento Homeless Assistance Act. Funding is awarded to local government agencies that apply on behalf of homeless service providers throughout the state. In the past, the City of Wichita has received funding from the State's ESG program, in addition to the City's direct ESG allocation from HUD.

The Kansas Housing Resources Corporation has issued an "Application for a 2004 Kansas Emergency Shelter Grant Program (KESGP)". Eight homeless service providers have submitted requests to the City for the 2004 KESGP application, as detailed below. The City's application on behalf of these service providers will be evaluated for funding awards, against applications submitted by other local government agencies in the state.

The City of Wichita grant application includes funds for the following agencies and activities:

Catholic Charities Anthony Family Shelter. \$8,602 is requested for program operations and maintenance; \$2,113 is requested for essential services.

Catholic Charities Harbor House. \$6,000 is requested for program operations and maintenance.

Interfaith (Ministries) Inn. \$11,080 is requested for program operations and maintenance; \$12,000 is requested for essential services.

Interfaith Ministries Safe Haven. \$2,500 is requested for program operations and maintenance; \$2,500 is requested for essential services.

Salvation Army Emergency Lodge. \$25,000 is requested for shelter operations and maintenance.

Center of Hope. \$10,000 is requested for homeless prevention (assistance with rent and utilities).

United Methodist Urban Ministry. \$15,000 is requested for drop-in center operations and maintenance.

YWCA. \$5,500 is requested for domestic violence shelter program operations and maintenance.

City of Wichita. The City is allowed up to 2.5% for administration of the grant. The amount received for this application will be determined by the amount awarded to the City.

A total of \$868,252 is available for the State of Kansas ESG program in 2004. The total amount of the City's application is \$100,295. Each of the requesting agencies has committed to providing the required matching funds or volunteer hours.

Motion--  
--carried

Mayans moved that the application for grant funds and necessary signatures for the application be authorized; and necessary signatures be authorized if funding is awarded.

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## **HISTORIC WICHITA AMENDMENT TO LEASE WITH HISTORIC WICHITA. (DISTRICT VI)**

Agenda Report No. 04-0346

In 1952, the City of Wichita entered into a long-term lease agreement with Historic Wichita, Inc. for land between South of Sim Park Drive and North of the Big Arkansas River. This site has been developed as the Old Cowtown museum. The museum provides interactive historical interpretation with period structures. Recently, the Water Department relocated from their facilities immediately east of Cowtown to the City's Central Maintenance Facility.

Historic Wichita has requested that the lease between themselves and the City be modified to include the land vacated by the Water Department. They intend to incorporate the land into existing Cowtown and construct a visitor center and parking. The northern part of the addition will be utilized for landscaping, berming and similar improvements unless the City gives permission for other types of development.

Upon approval of the amendment, the City will be relieved of maintenance and mowing costs.

Motion--  
--carried

Mayans moved that the lease amendment be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **FEE DISCOUNTS**

### **OFFICE OF CENTRAL INSPECTION PERMIT FEES-REMOVAL OF FEE DISCOUNTS.**

Agenda Report No. 04-0347

Receive and file agenda item on removal of Office of Central Inspection (OCI) building permit fee discount, to be effective April 12, 2004.

OCI has been a self-sustaining Special Revenue Fund since 1984, and has received no money from the General Fund since that time. OCI is funded primarily through building construction permit fees, building plan review fees, and business licensing fees.

In 1995, the City Council adopted Resolution R-95-560. This Resolution set forth the intent of the Council with respect to OCI budget reserve levels, permit fee discounts or increases, and other matters pertaining to the continued operation of OCI as a Special Revenue Fund.

A key component of Resolution R-95-560 was the City Council's stated intent to maintain the OCI operating budget cash reserve at an amount equal to between 3-4 months of the annual OCI expenditure budget. Per the Resolution, permit fees shall be discounted or increased as needed to maintain this 3-4 month target reserve level.

Since December 2002, OCI has provided a 10% discount on base building permit fees (the 1985 fee tables adopted in Title 18) to reduce the OCI cash operating reserve to an appropriate level. As of February 29, 2004, the operating reserve stood at 3.2 months of the 2004 annual OCI budget.

On March 18, 2004, OCI and Finance Department Staff met with the Wichita Area Builders Association (WABA) Industry Board. The Industry Board was established in accordance Resolution R-95-560. OCI budget issues and the proposed removal of the permit fees discount were reviewed at the March 18th meeting. The Industry Board concurred that the current 10% fee discount should be immediately removed, and agreed that the fee adjustment would begin on April 12, 2004.

The removal of the 10% building permit fee discount will be implemented on April 12, 2004.

Formal City Council approval of building permit fee adjustments is not required by Resolution R-95-560. However, because the "base" building permit fee schedule is codified in Title 18, the Law Department recommends that the City Council review fee adjustments.

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Motion--  
--carried

Mayans moved that the report on removal of OCI building permit fee discount be received and filed.  
Motion carried 7 to 0.

## HOMELESS

### HOMELESS ASSISTANCE.

Agenda Report no. 04-0348

For the past several years the City of Wichita has assisted with the costs associated with the operation of a winter emergency overflow shelter. This emergency shelter was organized and coordinated by Inter-Faith Ministries and consisted of several churches in the downtown area donating shelter space when needs exceed the capacity of other Wichita shelters. Those churches took turns opening their doors to the homeless and offering a warm place to sleep for the night when the temperature fell below 30 degrees. United Way, the County and the City provided funding in equal shares for the operational costs of the shelter, allowing it to open the latter part of November through the first part of March.

Inter-Faith Ministries no longer wants to organize and coordinate the overflow shelter. Therefore, the Council is being requested to authorize the City's participation with the United Way and Sedgwick County in a Request for Proposals (RFP) process to select a new provider to organize and coordinate the shelter. The Council is also being requested to approve an allocation of \$12,500 in federal Community Services Block Grant (CSBG) funds for the City's share of the operational costs of the overflow shelter during the 2004 - 2005 winter season. The United Way and Sedgwick County will also each provide \$12,500 for the operation of the shelter during that period.

On cold winter nights it is not uncommon to have over 100 individuals needing a place to sleep. The winter emergency overflow shelter would be in addition to the six full-time homeless shelters that operate year round and are funded by a combination of private and public resources. The City's share of the cost to run the overflow shelter is available from CSBG funds.

City funds used for operation of the winter overflow shelter are CSBG and provision of those funds obligates no general fund monies.

Prior to its execution, the Law Department will review the contract between the City and the new provider of winter overflow shelter services.

Motion--  
-- carried

Mayans moved that the use of \$12,500 in City funding for homeless assistance be approved; that City participation in the RFP process used to procure that assistance be authorized; and the necessary signatures for the resulting contract be authorized. Motion carried 7 to 0.

## 135<sup>TH</sup> W. FROM 29TH INSTALLATION OF WATER MAIN-135TH WEST FROM 29TH STREET. (DISTRICT V)

Agenda Report No. 04-0349

The City of Wichita provides treated drinking water to 415,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels now and in the future.

The installation of a 24-inch water line in 135th Street West from 29th Street North to 37th Street North will provide system reinforcement to the northwest portion of the City's water system. The result will be stabilized system pressure and increased water volume to the area.

The budget for this project is \$540,000 and is in the approved CIP (W-851). The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--  
--carried

Mayans moved that the project be expenditures be approved, the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 04-148

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$540,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### 135<sup>TH</sup> W. FROM 21<sup>ST</sup>. INSTALLATION OF WATER MAIN-135TH WEST FROM 21ST STREET. (DISTRICT V)

Agenda Report No. 04-0350

The City of Wichita provides treated drinking water to 415,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels now and in the future.

The installation of a 24-inch water line in 135th Street West from 21st Street North to 29th Street North will provide system reinforcement to the northwest portion of the City's water system. The result will be stabilized system pressure and increased water volume to the area.

The budget for this project is \$590,000 and is in the approved CIP (W-854). The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--  
--carried

Mayans moved that the project expenditures be approved; the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 04-149

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$590,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

**WATER MAIN**

### INSTALLATION OF WATER MAIN-WEST STREET FROM 47TH STREET SOUTH. (DISTRICT IV)

Agenda Report No. 04-0351

The City of Wichita provides treated drinking water to 415,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels now and in the future.

This project will install a 16-inch water line in West Street from 47th Street South, to 1/3 mile north to the existing 12-inch water main at 44th Street South, and in 47th Street South from West Street to the existing 12-inch water main approximately 500 feet east of West Street. The result will be stabilized system pressure and increased water volume to the southwest portion of the City.

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The budget for this project is \$180,000 and is in the approved CIP (W-826). The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--  
--carried

Mayans moved that the project expenditures be approved; the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 04-150

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$180,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### (Agenda Item 36.) RIVERSIDE TENNIS

### RIVERSIDE TENNIS CENTER COMPLEX. (DISTRICT VI)

Agenda Report No. 04-0352

The Ralph Wulz Tennis Center, located in Riverside Park, is one of the City's largest and most utilized parks. It has a history of being a premier tennis center, hosted regional tennis tournaments and has a reputation as being one of the better facilities in the region.

The vision for the Ralph Wulz Tennis Center is to create a year-round community recreation center with the mission of providing an opportunity to improve health, increase cultural awareness and provide positive role models for all citizens, including youth, handicapped, seniors, gifted, underprivileged and "at-risk" populations in Wichita. The addition of indoor courts to complement the outdoor courts will allow the facility to be used year-round.

The City Council is requested to approve the issuance of a competitive Request for Proposal (RFP) for development and management of the new indoor facility. The City would seek a preferred developer to work in partnership with the City to construct a new indoor facility and operate the Ralph Wulz Tennis Center. Once the new facility is constructed, the preferred developer would be afforded the opportunity to engage in management services for operation of both the indoor facility and the outdoor courts and the pro shop. The facilities would be a public recreational facility for the purpose of growing the sport of tennis for public play and providing other recreational programming including free scheduled tennis play for disadvantaged and physically challenged youth as well as marketing and implementing regional tennis tournaments.

The RFP would be issued by Purchasing using a competitive process.

The City Council approved a total of \$5 million (\$2.5 million GO and \$2.5 million Other) in the 2004 CIP for the construction of a new indoor tennis facility at the Ralph Wulz Riverside Tennis Center.

Council Member Gray

Council Member Gray stated that he thinks this item warrants discussion as opposed to consent approval as to the timing of the RFP request. There are two main parties involved in this and one party would like this moved forward as soon as possible and the other party would like to see the date delayed for a little while. Stated that he would like to see if some kind of compromise could possibly be made. Stated that he would like to see a 45-day deferment for the RFP and to be discussed during a workshop.

Council Member Fearey

Council Member Fearey stated that she does not have a problem deferring this but that the Council does not know what the RFP is going to look like at this point and it is going to take time to develop it and then time to get the responses back. Stated that she believes there is money in the CIP to get this going and that we will start coming up against time lines again.

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Motion--

Martz moved that this Item be deferred until May 11, and that it be brought up at a workshop within 30 days and it be decided from there the type of RFP. Motion carried 6 to 0. (Schlapp abstained due to conflict of interest).

-- carried

## STREET REHAB.

### 2004 STREET REHABILITATION PROGRAM. (DISTRICTS I & VI)

Agenda Report No. 04-0353

The 2004 Capital Improvement Program includes a project to rehabilitate major streets.

The locations to be repaired in 2004 are Hydraulic, from the westbound K-96 Expressway off-ramp to 37th Street North and Seneca, from 53rd Street North to 61st Street North.

The project budget is \$400,000. The funding source is General Obligation Bonds.

Traffic on Seneca will be restricted to one lane for approximately 30 days during the construction period.

Motion--

Mayans moved that the project be approved and the Ordinance be placed on First Reading. Motion carried 7 to 0.

--carried

## ORDINANCE

An Ordinance declaring the Hydraulic, from the westbound K-96 Expressway off-ramp to 37th Street North and Seneca, from 53rd street North to 61st Street North (2004 Street Rehabilitation Program) 472-83925, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same introduced and under the rules laid over.

## DRAINAGE

### MURDOCK AT WABASH DRAINAGE. (DISTRICT I)

Agenda Report No. 04-0354

In 1998/1999, the City improved Murdock between Waco and St. Francis Streets including the installation of new storm water drain system. The new drain connected into a much smaller and older system, which is elevated four feet above the new system. The difference in elevation requires that water in the new system be pumped into the old system by a sump pump. During heavy rains, the sump pump cannot keep up and water backs up into Murdock and has flooded some nearby businesses. This project will install a properly sized drain at the correct elevation between Wabash and the Wichita Drainage Canal.

On March 19, 2002, the Council entered into a contract with Transystems for \$27,580 to design this project. The design is now complete and this project is ready to bid as soon as the expenditures for construction are authorized by Council.

The construction of this project, estimated to cost \$950,000, is included in the 2004 Capital Improvement Program (Project No. SW860405). The funds needed to complete this project will be paid through Storm Water Utility fees.

Motion--

Mayans moved that the expenditure be approved; the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. 04-151

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for public improvements at Murdock at Wabash (SW8620405), presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## (Agenda Item 39) REALIGNMENT

### **REALIGNMENT OF MCCORMICK FROM LEONINE TO SOUTHWEST BOULEVARD. (DISTRICT IV)**

Agenda Report No. 04-0355

On July 1, 2003, the City Council approved an agreement with Newman University for the design of a project to relocate McCormick along the north perimeter of the campus. Newman University agreed to contribute \$50,000 for the concept design plans. The Staff Screening and Selection Committee selected MKEC Engineering Consultants (MKEC) to provide design services. On October 7, 2003, the City Council approved the design project budget and a contract with MKEC for the discovery phase. Newman University Officials have submitted a petition to construct the project. The signature on the petition represents 100% of the improvement district. A supplemental agreement with MKEC has been prepared for the completion of construction plans.

McCormick currently bisects the Newman University campus. Relocating the street to the north will create an opportunity for a central pedestrian mall linking the various University buildings.

The estimated project cost is \$1,263,000 with \$1,200,000 paid by the City and \$63,000 paid by special assessments to the University. The University share provides the \$50,000 contribution for the discovery design phase and \$13,000 for special ornamental streetlights and a part of the landscaping expense. The funding source for the City share is General Obligation Bonds. That cost is included in the 2004 Capital Improvement Program. The design fee to complete construction plans is \$83,600.

State Statutes provide that a petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Council Member Fearey Council Member Fearey stated that this project has not worked its way through the CIP and asked if anybody remembers how this got so advanced in the CIP and were there other projects that had been in the CIP for quite awhile but that have been moved back because of this one.

Cathy Holdeman Cathy Holdeman stated that she is not aware of that and tried to research the history on this the information that was given to her was that it was part of a workshop discussion awhile back and she is unclear of the advancement of this project at this time. Stated that if the Council would like to defer this item she could get better information for them.

Motion--carried Fearey moved to defer this item for one week. Motion carried 7 to 0.

## **COWSKIN CREEK**

### **RIGHT-OF-WAY ACQUISITION-COWSKIN CREEK CHANNEL IMPROVEMENTS, KELLOGG TO MAPLE. (DISTRICT V)**

Agenda Report No. 04-0356

Subsequent to the 1998 Halloween Flood in the Cowskin Creek Basin, the City hired Professional Engineering Consultants (PEC) to investigate the flooding and recommend possible flood mitigation projects to reduce flood losses in the basin. PEC recommended the preparation of a master drainage plan for the basin and that the City look further into three possible mitigation projects, one of which was a Cowskin channel improvement between Kellogg and Maple. On February 8, 2000, the City Council approved a professional services agreement with MKEC Engineering Consultants (MKEC) for design services on the channel project.

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In an effort to secure Federal funding for the project, the City approached the US Army Corps of Engineers about participating in a Section 205 Project for this work. On April 3, 2001, the City Council approved agreements with the Corps and entered into a supplemental agreement with MKEC implementing the Section 205 Project. The Corps feasibility study is nearly complete and they have informed us that they will be able to assist in the funding of this project. Generally, the Corps will provide 65% of the design, right-of-way, and construction costs. MKEC has completed about 75% of the project design, sufficient to define our right-of-way acquisition needs.

In order to construct this project, the City will have to acquire right-of-way along this section of Cowskin Creek as much of the property is in private ownership. A total of 52.41 acres of land will be acquired, said land being owned by 12 different owners. All of the acquisitions are vacant land, except for one on which there are five rental units. Federal right-of-way acquisition and relocation procedures will apply to this project.

The right-of-way acquisition process will involve appraising properties, making offers, negotiating sales terms, obtaining title opinions, preparing land closing documents, and possibly the use of eminent domain if we cannot reach a reasonable agreement with the owners. The estimated total right-of-way acquisition cost is \$1 million. These funds are included in the 2004 CIP (Project No. 86-0002), General Obligation Bond fund source.

Motion--  
--carried

Mayans moved that the expenditure be approved, the Resolution adopted and the acquisition of right-of-way for the project be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 04-154

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for Right-of-Way acquisitions for Cowskin Drainage (SW862004), presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## DRAINAGE CANAL

### **WICHITA DRAINAGE CANAL-CONTRACT MAINTENANCE REPAIRS SOUTH OF ENGLISH. (DISTRICT III)**

Agenda Report No. 04-0357

In the late 1970's, the Wichita Drainage Canal was constructed from the Arkansas River north along I-35 to 21st St. North. Parts of the canal were improved to a concrete lined channel from the confluence with the Arkansas River to near Douglas and then from 17th St. North to 21st St. North. The area of the canal between Douglas Street and 17th Street is an improved section, but not concrete lined. The concrete sections of the canal were designed with a life expectancy of approximately 30 years, so the lining has come to the end of its design and parts of it have started to deteriorate, crack, settle and collapse.

Unless much needed maintenance work is not done, the rate of deterioration of the lining will increase rapidly. For this reason, funds were included in the recently approved CIP to allow us to begin the needed maintenance over a seven-year period. The authorization requested at this time is for the first two years work.

Funding for this project is included in the City's current Capital Budget (Project No. SW860409) with \$150,000 each in years 2004 and 2005. Project costs will be paid through Storm Water utility fees.

Motion--  
--carried

Mayans moved that the project expenditure be approved, the Resolution be adopted and the necessary signatures authorized. Motion carried 7 to 0.



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## RESOLUTION NO. 04-153

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for extensive repairs in the Wichita Drainage Canal – south of English (SW860409), presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### S-WELL

#### S-WELL EMERGENCY EVALUATION.

Agenda Report No. 04-0358

Eleven wells, located near the water treatment plant, comprise the S-Well field. These wells are typically used during times of peak water demand that occurs from June to September.

During the peak usage period last year, three of the wells became damaged and inoperable. Investigation has revealed that the design (pump size) and operation (amount of pumping) of the wells, though in accordance with the original parameters, are no longer appropriate for current conditions and the problem may affect all 11 S-wells. The condition of the eight remaining wells is unknown. Further operation of the wells could compound existing damage, or create new damage.

The proposed project is the first phase of a two-phase approach. Phase one will test and evaluate the wells and pumps, provide information on which wells are safe to operate and what repairs are necessary to return all wells to a safe operating condition. Phase two will cover necessary repairs and will be authorized at a later date.

Staff has been working with Burns & McDonnell on developing the approach to this project. They have significant knowledge of Wichita's water supply, having worked extensively in this field for the City in recent years. Due to the expertise of Burns & McDonnell and the time-critical nature of the water supply, Staff recommends a sole source of procurement.

The estimated maximum for phase one is \$97,386 and will be paid from the Water Supply Plan (CIP W-549). The maximum estimate for phase two, assuming major reconstruction and/or replacement, is \$1 million. Upon completion of phase one, Staff will return to Council with the cost estimate and financial plan for phase two.

City Council approval is required for sole-source procurement and to authorize emergency repairs.

Motion--  
--carried

Mayans moved that the project expenditures and sole-source procurement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

### SECTION 5307

#### AMEND FY 2004 SECTION 5307 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 04-0359

The City of Wichita receives an annual allocation of FTA funds for public transportation based upon a funding formula that takes into consideration population and other factors relating to service and ridership. The 2000 Census expanded the Wichita urbanized area to include Andover and other smaller cities in Sedgwick County. These expanded areas are now eligible for apportioned federal funds from Wichita's area annual allocations. The City of Wichita is the designated recipient of all allocated funds, and may "pass through" funds to smaller cities within the urbanized area.

The City received additional federal transportation funding because of the expanded urbanized area. Andover and Sedgwick County are requesting a combined total of \$54,500 to supplement their present urban transit services. Andover and Sedgwick County will be responsible for all applicable federal laws and guidelines, as well as appropriate matching funds. The City of Wichita will not be adversely

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affected by passing through funds to smaller cities within the urbanized area, and not lose any funding it now receives.

The City's FY 2004 FTA grant budget totals \$3,072,839 (80% federal and 20% local). The amendment for "pass through" funds would be for \$54,500 federal and \$13,626 local, for a total amount of \$68,126. All local match for the amendment would be paid by Andover and Sedgwick County.

Upon approval of the amendment by FTA, Memoranda of Understanding would be signed by Andover and Sedgwick County with the City of Wichita, requiring the local match and adherence to all federal grant requirements.

Motion--  
--carried

Mayans moved that the Amendment be approved and Staff amend the present FY 2004 FTA grant. Motion carried 7 to 0.

## HUD 2004/2008

### **HUD 2004/2008 CONSOLIDATED PLAN, 2004/2005 ONE-YEAR ACTION PLAN AND NEIGHBORHOOD REVITALIZATION PLAN.**

Agenda Report No. 04-0360

On March 16, 2004, the City Council approved funding allocations for the 2004/2005 One-Year Action Plan and authorized Staff to prepare the Five-Year Consolidated Plan, One-Year Action Plan. On November 18, 2003, the City Council approved the boundaries for the Neighborhood Revitalization Areas and Local Investment Areas and authorized Staff to prepare the plan.

The preliminary HUD Five-Year Consolidated Plan/One-Year Action Plan includes funding for Community Development Block Grant, HOME Investment Partnership and Emergency Shelter Grant. To receive these Federal-funding allocations, HUD requires cities to prepare a Five-Year and a One-Year Action Plan.

The City's preliminary 2004/2008 Five-Year Consolidated Plan identifies needs and general strategies to be employed to address the needs. The preliminary 2004/2005 One-Year Action Plan lists the Federal resources available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities funded by the City Council, the geographic location of the activities and homeless, and other special needs and activities to be undertaken during the fiscal year.

The proposed Neighborhood Revitalization Plan addresses the legal requirements for both the implementation of the State Neighborhood Revitalization Act and the HUD Neighborhood Revitalization Strategy Areas. The Neighborhood Revitalization Plan utilizes authority Kansas cities have under State law to provide tax rebates to owners in designated neighborhood revitalizations areas as an incentive for improving private property. The Plan also focuses HUD, CDBG, and HOME funding in Local Investment Areas to provide a significant visual impact on specific areas and to provide an incentive for private investment.

The 2004/2008 Five-year Consolidated Plan and the Neighborhood Revitalization Plan covers the period beginning July 1, 2004 through June 30, 2008. The 2004/2005 One-Year Action Plan covers the period beginning July 1, 2004 and ending June 30, 2005.

The 2004/2005 One-Year Action Plan totals \$6,090,577 and is comprised of grant funds in the amount of \$5,781,071, recaptured funds in the amount of \$309,506 and estimated income (primarily from revolving funds such as Historic Loans) of \$215,000.

The City has met all Federal requirements to proceed with issuance of a preliminary Five-Year Consolidated Plan and the One-Year Action Plan.

A thirty-day public comment period is required beginning April 9, 2004 and ending on May 8, 2004.

Motion--  
--carried

Mayans moved that the proposed 2004/2008 Five-Year Consolidated Plan; the proposed 2004/2005 One-Year Action Plan; the Neighborhood Revitalization Plan be approved and the implementation of the public comment period be authorized. Motion carried 7 to 0.

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MARCH 16, 2004)

- a) Tax exemption request, Excel Manufacturing, Inc. (District IV)

#### ORDINANCE NO. 46-117

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Excel Manufacturing, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Acquisition by eminent domain of tracts required for the WaterWalk Project. (District VI)

#### ORDINANCE NO. 46-118

An Ordinance determining the necessity for acquiring certain real property and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of general obligation bonds of the City of Wichita, Kansas, under the authority vested in the City under Article 12, Section 5 of the Constitution of the State of Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) Water Well Code Revision – Chapter 7.30

#### ORDINANCE NO. 46-119

An Ordinance amending Sections 7.30.010, 7.30.020, 7.30.030, 7.30.040 and 7.30.050 and enacting Sections 7.30.61, 7.30.062 and 7.30.063 of the Code of the City of Wichita, Kansas pertaining to water wells, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- d) 2004 arterial street design - Westport at Maize Intersection. (District V)

#### ORDINANCE NO. 46-129

An Ordinance declaring the intersection of Westport and Maize (472-83855) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- e) ZON2004-00001-generally located at the northeast corner of Topeka and Elm. (District VI)

#### ORDINANCE NO. 46-121

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00001)

- f) ZON2004-00002 - generally located approximately 300-feet south of 9th Street North, on the west side of West Street. (District VI)

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## ORDINANCE NO. 46-122

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00002)

g) ZON2003-34 - north of 29th Street North, west of Broadway. (District VI)

## ORDINANCE NO. 46-123

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2003-34)

h) ZON2003-63 - located east of 143rd Street East, south of 13th Street North. (County)

## ORDINANCE NO. 46-124

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-63)

i) A04-07 - generally located east of 127th Street East, between Pawnee Road and Mt. Vernon Road. (District II)

## ORDINANCE NO. 46-125

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-07)

j) A04-08 - generally located west of 127th Street East, between Pawnee Road and Mt. Vernon Road. (District II)

## ORDINANCE NO. 46-126

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-08)

k) A04-09 - generally located to the northeast of the intersection of 127th Street East and Pawnee Road. (District II)

## ORDINANCE NO. 46-127

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-09)

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- l) A04-10 - generally located near the northwest corner of the intersection of Greenwich Road and Harry Street. (District II)

## ORDINANCE NO. 46-128

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-10)

- m) Paving - (472-83530/490-848)

## ORDINANCE NO. 46-117

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving HOOVER, TO SERVE FRUITVALE PARK & UP TRACTS IN SEC 22, TWP 27S, T1W, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### **WATER PROJECTS:**

- a) (470-762/448-88759)

## ORDINANCE NO. 46-003

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-88759, TO SERVE WHITE TAIL, South of 13th, West of 127th Street East.

- b) (470-728/448-89292)

## ORDINANCE NO. 46-004

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89292 TO SERVE SKYWAY INDUSTRIAL PARK & DUGAN INDUSTRIAL 2ND & 3RD ADDITIONS, East & West of Tyler Road, South of 31st Street South.

- c) (470-765/448-89569)

## ORDINANCE NO. 46-005

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89569 TO SERVE REMINGTON PLACE ADDITION & UNPLATTED TRACT, East of Webb, South of 21st Street North.

- d) (470-766/448-89570)

## ORDINANCE NO. 46-006

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89570 TO SERVE REMINGTON PLACE ADDITION, East of Webb, South of 21st Street North.

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e) (470-791/448-89636)

## ORDINANCE NO. 46-007

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89636 TO SERVE BRENTWOOD SOUTH ADDITION, East of Webb Road, North of Pawnee.

f) (470-801/448-89647)

## ORDINANCE NO. 46-008

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89647 TO SERVE PINE MEADOW ADDITION, East of Greenwich, South of 13th Street.

g) 470-783/448-89650)

## ORDINANCE NO. 46-009

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89650 TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, South of 45th Street North, West of Oliver.

h) (470-761/448-89655)

## ORDINANCE NO. 46-010

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89655 TO SERVE BALTHROP 4TH ADDITION, North of Central, West of K-96.

i) (470-794/448-89667)

## ORDINANCE NO. 46-011

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89667 TO SERVE SMITHMOOR 10TH ADDITION, North of Pawnee, West of Greenwich.

j) (470-729/448-89673)

## ORDINANCE NO. 46-012

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89673 TO SERVE MID-CONTINENT INDUSTRIAL PARK I & II, South of K-42 Highway, East of Maize Road.

k) (470-753/448-89712)

## ORDINANCE NO. 46-013

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89712 TO SERVE SAWMILL CREEK ADDITION, East of Rock Road, North of 45th Street North.

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l) (470-779/448-89726)

## ORDINANCE NO. 46-014

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89726 TO SERVE THE EXECUTIVE AT WHITE TAIL ADDITION, South of 13th, East of K-96 Expressway.

m) (470-775/448-89738)

## ORDINANCE NO. 46-015

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89738 TO SERVE TARA FALLS ADDITION, South of Harry, East of Greenwich.

n) (470-773/448-89747)

## ORDINANCE NO. 46-016

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89747 TO SERVE LIBERTY PARK 2ND, South of 13th, East of 135th Street West.

o) (470-767/448-89754)

## ORDINANCE NO. 46-017

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89754 TO SERVE WEST LYNN 2ND ADDITION, North of 13th, West of West Street.

p) (470-774/448-89755)

## ORDINANCE NO. 46-018

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89755 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West.

q) (470-768/448-89758)

## ORDINANCE NO. 46-019

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89758 TO SERVE WHISPERING LAKES ESTATES, South of Harry, East of 143rd Street East.

r) (470-788/448-89763)

## ORDINANCE NO. 46-020

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89763 TO SERVE REMINGTON PLACE 2ND ADDITION, South of 21st, East of Webb.

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s) (470-769/448-89764)

## ORDINANCE NO. 46-021

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89764 TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East.

t) (470-784/448-89767)

## ORDINANCE NO. 46-022

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89767 TO SERVE FALCON FALLS ADDITION, South of 53rd Street North, West of Hillside.

u) (470-778/448-89771)

## ORDINANCE NO. 46-023

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89771 TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler.

v) (470-792/448-89772)

## ORDINANCE NO. 46-024

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89772 TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler.

w) (470-790/448-89784)

## ORDINANCE NO. 46-025

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89784 TO SERVE IRONHORSE AT OXFORD ADDITION, West of Woodlawn, South of 29th Street North.

x) (470-798/448-89785)

## ORDINANCE NO. 46-026

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89785 TO SERVE WOODLAND LAKES ESTATES 3RD ADDITION, South of Lincoln, West of 127th Street East.

y) (470-785/448-89790)

## ORDINANCE NO. 46-027

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89790 TO SERVE R. A. MORRIS TRACTS, North of Central, East of Hoover.



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z) (470-796/448-89820)

## ORDINANCE NO. 46-028

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89820 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East.

aa) (470-797/448-89821)

## ORDINANCE NO. 46-029

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89821 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East.

bb) (470-800/448-89825)

## ORDINANCE NO. 46-030

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89825 TO SERVE RIDGE PORT & RIDGE PORT 3RD ADDITIONS, East of Ridge, North of 29th Street North.

cc) (470-802/448-89840)

## ORDINANCE NO. 46-031

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89840 TO SERVE SHELLY'S ORCHARD ADDITION, East of Maize, North of Pawnee.

dd) (470-805/448-89844)

## ORDINANCE NO. 46-032

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89844 TO SERVE LESTER TURLEY ADDITION, West of Meridian, South of 19th Street North.

ee) (470-806/448-89846)

## ORDINANCE NO. 46-033

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of Water Distribution System No. 448-89846 TO SERVE REGENCY PARK ADDITION, North of 21st, West of Greenwich Road.

## **SEWER PROJECTS:**

ff) (480-690/468-83229)

## ORDINANCE NO. 46-034

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 6, MAIN 8, SOUTHWEST INTERCEPTOR SEWER, West of Tyler Road, South of Maple.

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gg) (480-646/468-83247)

## ORDINANCE NO. 46-035

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 35, MAIN 24, WAR INDUSTRIES SEWER, East of Webb Road, South of 21st Street North.

hh) (480-647/468-83248)

## ORDINANCE NO. 46-036

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 36, MAIN 24, WAR INDUSTRIES SEWER, East of Webb Road, South of 21st Street North.

ii) (480-617/468-83262)

## ORDINANCE NO. 46-037

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART B, SANITARY SEWER #23, East of Hydraulic, North of 37th Street North.

jj) (480-669/468-83354)

## ORDINANCE NO. 46-038

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 320, FOUR MILE CREEK SEWER, East of Webb Road, North of Pawnee.

kk) (480-677/468-83376)

## ORDINANCE NO. 46-039

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 325, FOUR MILE CREEK SEWER, East of Greenwich, South of 13th.

ll) (480-644/468-83391)

## ORDINANCE NO. 46-040

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 328, FOUR MILE CREEK SEWER, North of Central, West of K-96.

mm) (480-599/468-83395)

## ORDINANCE NO. 46-041

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 329, FOUR MILE CREEK SEWER, North of Central, West of Greenwich Road.

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nn) (480-616/468-83440)

## ORDINANCE NO. 46-042

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART A, SANITARY SEWER #23, West of Hillside, South of 53rd Street North.

oo) (480-619/468-83455)

## ORDINANCE NO. 46-044

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART D, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North.

pp) (480-620/468-83457)

## ORDINANCE NO. 46-045

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART E, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North.

qq) (480-621/468-83458)

## ORDINANCE NO. 46-046

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 13, PART F, SANITARY SEWER #23, East of Hydraulic, North of 37th St. North.

rr) (480-630/468-83459)

## ORDINANCE NO. 46-047

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 2, MAIN 13, SANITARY SEWER #23, East of Hillside, South of 53rd St. North.

ss) (480-645/468-83504)

## ORDINANCE NO. 46-048

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 488, SOUTHWEST INTERCEPTOR SEWER, West of 119th Street West, North of Central.

tt) (480-661/468-83523)

## ORDINANCE NO. 46-049

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 339, FOUR MILE CREEK SEWER, South of 13th, East of K-96 Expressway.

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uu) (480-657/468-83528)

## ORDINANCE NO. 46-050

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 1, MAIN 5, NORTHWEST INTERCEPTOR SEWER, North & South of 13th, East of 135th Street West.

vv) (480-655/468-83532)

## ORDINANCE NO. 46-051

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 4, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West.

ww) (480-652/468-83535)

## ORDINANCE NO. 46-052

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 3, MAIN 13, SANITARY SEWER #23, South of 53rd Street North, West of Hillside.

xx) (480-648/468-83538)

## ORDINANCE NO. 46-053

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 342, FOUR MILE CREEK SEWER, South of Harry, East of 143rd Street East.

yy) (480-653/468-83548)

## ORDINANCE NO. 46-054

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 32, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize.

zz) (480-662/468-83553)

## ORDINANCE NO. 46-055

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 40, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb.

aaa) (480-666/468-83554)

## ORDINANCE NO. 46-056

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 41, MAIN 24, WAR INDUSTRIES SEWER, South of 21st, East of Webb.

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bbb) 480-663/468-83556)

## ORDINANCE NO. 46-057

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 157, WAR INDUSTRIES SEWER, East of Hillside, South of Pawnee.

ccc) (480-658/468-83572)

## ORDINANCE NO. 46-058

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 40, DISTRICT T, SANITARY SEWER #12, North of 25th Street North, West of Grove.

ddd) (480-668/468-83575)

## ORDINANCE NO. 46-059

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 73, MAIN 5, SANITARY SEWER #23, West of Woodlawn, South of 29th Street North.

eee) (480-659/468-83577)

## ORDINANCE NO. 46-060

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 490, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler.

fff) (480-674/468-83588)

## ORDINANCE NO. 46-061

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 345, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East.

ggg) (480-670/468-83595)

## ORDINANCE NO. 46-062

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 34, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, North of Maple.

hhh) (480-671/468-83603)

## ORDINANCE NO. 46-063

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 142, MAIN 4, SANITARY SEWER #23, North of 33rd Street North, West of Fairview.

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iii) (480-676/468-83612)

## ORDINANCE NO. 46-064

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 350, FOUR MILE CREEK SEWER, West of 143rd Street East, South of Kellogg.

jjj) (480-679/468-83618)

## ORDINANCE NO. 46-065

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART B, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize Road.

kkk) (480-673/468-83621)

## ORDINANCE NO. 46-066

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of LATERAL 4, MAIN 14, FOUR MILE CREEK, South of 21st, East of 127th Street East.

lll) (480-680/468-83632)

## ORDINANCE NO. 46-067

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART A, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize Road.

mmm) (480-681/468-83633)

## ORDINANCE NO. 46-068

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART E, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize Road.

nnn) (480-703/468-83680)

## ORDINANCE NO. 46-069

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART D, NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, between Maize & Tyler.

ooo) (480-704/468-83705)

## ORDINANCE NO. 46-070

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of construction of MAIN 6, PART F, NORTHWEST INTERCEPTOR SEWER, South of 29th Street North, West of Maize.

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## **STORM WATER:**

ppp) (485-207/468-82771)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 132, TO SERVE FOREST LAKES WEST ADDITION, North of 29th Street, East of Tyler.

qqq) (485-219/468-83527)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 192, TO SERVE TARA FALLS ADDITION, South of Harry, East of Greenwich.

rrr) (485-217/468-83544)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 577, TO SERVE LIBERTY PARK 2ND, South of 13th, East of 135th Street West.

sss) (485-218/468-83559)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 581, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West.

ttt) (485-214/468-83564)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 197, TO SERVE WILSON ESTATES MEDICAL PARK AND LEGACY PARK TRACT, South of 21st Street, West of Webb Rd.

uuu) (485-223/468-83569)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 585, TO SERVE REED'S COVE, REED COMMERCIAL, & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East.

vvv) (485-221/468-83579)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 198, TO SERVE TYLER'S LANDING ADDITION, South of 37th Street North, East of Tyler.

www) (485-224/468-83597)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 200, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple.

xxx) (485-226/468-83607)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWD NO. 202, TO SERVE THUNDERBIRD OFFICE PARK, South of Maple, West of 119th Street West.

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yyy) (485-229/468-83656)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing SWS NO. 591, TO SERVE REED'S COVE & REED COMMERCIAL ADDITIONS, South of 21st, East of 127th Street East.

## **FIRST READING ORDINANCE:**

a) Unpaid sewer service charges and/or water service charges sewer and/or Water Service

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges in the City of Wichita, Kansas. Be it ordained by the governing body of the city of Wichita, Kansas, introduced and under the rules laid over.

## **PLANNING AGENDA**

John Schlegel

Mr. Schlegel stated that item 47 needs to be presented by him and that the remaining items can all be handled as consent items.

Motion --  
--carried

Mayor Mayans moved to approve Planning Agenda items 48 through 62 as presented. Motion carried 7 to 0.

## **HISTORIC PRES. BOARD**

### **APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 1333 SOUTH EMPORIA, HPC2004-00015. (DISTRICT I)**

Johns Schlegel

Planning Director reviewed the item.

Council Member Martz momentarily absent.

Agenda Report No. 04-0361

At the March 8, 2004 Historic Preservation Board meeting, the applicant requested approval for demolition of 1333 S. Emporia so that he may sell the land to Immanuel Baptist Church for expansion of their surface parking area. This property is within 500 feet of Engine House No. 6, which is significant for its architecture and the service that it provided to the residential neighborhood. By a 7-0 vote, HPB denied the demolition because it further erodes the historic context of Engine House No. 6, and does encroach, damage or destroy the environs of Engine House No. 6. The applicant is appealing the decision of the board.

In May 2000, Immanuel Baptist Church requested approval for demolition of nine houses in the 1300 block south of Topeka to provide required parking for the sanctuary expansion. There was neighborhood opposition for the demolition of the structures. In April 2002, Immanuel Baptist Church came back to the board with a request to demolish 1337 and 1343 S. Emporia to provide vehicular access to S. Emporia. Immanuel Baptist Church has indicated that it is not purchasing any more houses in the area as their current parking needs are met. The property the applicant is requesting to demolish is located outside the area originally requested.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."



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- Council Member Lambke Council Member Lambke state that according to a letter by the owner of the property that it is in bad shape and if the Council denies the use for a parking lot what will the future of this property be. The owner states that it is not feasible to fix the property. Stated that this seems to be another attempt at condemnation of property and he is very much opposed to agreeing with the Preservation Board.
- John Schlegel Mr. Schlegel explained that by city code anything within 500 feet is considered within the environs of the historic structure and is subject to review by the Historic Preservation Board. The thinking of the Historic Preservation Board is that they would rather have the structure remain and not be demolished and turned into a parking lot.
- Gary Rebenstorf Mr. Rebenstorf stated that his understanding is that the standards for designation of historic property is set by the Secretary of Interior in Washington DC and that the State and the City through its agreement with the State has to follow those guidelines. Those guidelines have set this environs type of standard to be followed.
- Council Member Gray Council Member Gray stated that the Council should grant the owner to do what he wishes with his personal property.
- Mayor Mayans Mayor Mayans stated that he is not in support of the Historic Preservation Board's recommendation.
- Council Member Fearey Council Member Fearey stated that this would affect the environs that there is the issue of protecting neighborhoods.
- Council Member Lambke Council Member Lambke stated that protecting property rights outweighs protecting the general neighborhood. Stated that it is inconceivable to him that the Historic Preservation Board can dictate to an owner that they cannot sale their property.
- Mayor Mayans Mayor Mayans stated that he is not in support of the Preservation Board's decision regarding this issue.
- Motion-- Brewer moved to not support the Staff's recommendation and to allow the owners to sale the property and have considered all relevant factors and finding that no feasible imprudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property rezoning from such use. Motion carried 6 to 1. (No-Fearey).
- carried

## FUND GRANTS

### HISTORIC PRESERVATION FUND GRANTS.

Agenda Report No. 04-0362

The Preservation Planner submits grant proposals annually to the Kansas State Historical Society for allocation of federal Historic Preservation Fund grants. These proposals are for projects that the Historic Preservation Board has adopted as part of their annual work program.

The HPF grants total \$57,095. The City is required to provide \$2 for every \$3 of federal grant funds. City match is generated from Staff time only. There is no actual cash match.

The grant is to provide funding for two projects:

1. HPF Grant 20-04-19317-011 provides funding to hire a part-time qualified planning analyst for 35 hours a week for 52 weeks. The federal grant for the planning analyst is \$37,520.
2. HPF Grant 20-04-19317-012 will provide funding to update and reprint the Discover Historic Wichita! Brochure. The federal grant for the study is \$19,575.

- Motion-- Mayans moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.
- carried

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ZON2004-00005

## ZON2004-00005-ZONE CHANGE FROM GENERAL OFFICE AND NEIGHBORHOOD RETAIL TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE SOUTHWEST CORNER OF MAPLE AND 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0363

MAPC Recommendations: Approve, subject to Staff recommendations and conditions. (11-0)

MAPD Staff Recommendations: Approve subject to amended Protective Overlay #99.

The applicant requests a zone change from "GO" General Office and "NR" Neighborhood Retail to "LC" Limited Commercial on Lot 2, Block A, Thunderbird Office Park Addition. The subject site is not developed and is located approximately 350-feet south of the Maple Street and 119th Street West intersection, on the west side of 119th Street West. The subject site is approximately 6.2 acres in size with approximately 0.9-acres of it zoned "NR" with the remaining approximate 5.3-acres zoned "GO". The applicant proposes additional uses as permitted in the "LC" zoning district, including restaurants over 2,000-square feet.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. Three corners of the Maple Street and 119th Street West intersection are zoned "SF-5" Single-Family Residential and are developed with single-family residences; this intersection does not have the typical commercial node on its four corners. The southwest corner, where the subject site is located, has properties zoned "B" Multi-Family Residential, "LC", and the subject site's "NR" and "GO" zoning. The undeveloped property abutting a portion of the subject site's north side is the previously mentioned "LC" zoned property. The "LC" zoned property is located immediately on the southwest corner of the Maple Street and 119th Street West intersection. This "LC" zoned property has a Protective Overlay in effect; amended PO #99. The previously mentioned "B" zoned property abuts the rest of the subject site's northwest side. The "B" zoned property is developed as an assisted living facility. The properties east of the site across 119th Street West are zoned "SF-5" Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property south of the site is zoned "SF-5" Single-Family Residential and is The Meadows Park. The property west of the site is zoned "SF-5" Single-Family Residential and is a floodway.

The Far West Side Commercial Development Policy, adopted by the City Council in 1996, indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The proposed "LC" zoning of the subject property coupled with the existing and abutting 2.27-acres of "LC" zoned property, would bring the total "LC" zoning to 8.54-acres on this one side of the intersection; potential commercial development exceeds the recommended totals for the intersection and for this quarter of the intersection. The Far West Side Commercial Development Policy indicates that individual office businesses on the subject property should be limited to 8,000 square feet in size. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design. The Protective Overlay brings the subject site into substantial compliance with this policy.

The subject property now is a contiguous area of "LC" zoning over 6-acres in size and under the control of common ownership. A Community Unit Plan would be required if not for the existing Protective Overlay. The existing 2.27-acres zoned "LC" abutting the north side of the subject property is under PO #99 and is under the same ownership as the subject property.

The MAPC considered this case at their March 11, 2004 meeting and recommended approval (11 -0) of the zoning change. No one spoke in opposition to the requested zoning change at the meeting. Staff has received no written protest or phone calls protesting the requested zoning change.

Motion--

Mayans moved to concur with the findings of the MAPC and approve the zone change subject to the provisions of amended Protective Overlay District #99; approve first reading of the ordinance establishing the zone change. Motion carried 7 to 0.

--carried

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VAC2003-00055

## **VAC2003-00055-REQUEST TO VACATE ALLEY RIGHT-OF-WAY LOCATED SOUTH OF KELLOGG DRIVE AND WEST OF GOVERNEOUR ROAD. (DISTRICT II)**

Agenda Report No. 04-0364

MAPC Recommendation: Approve. (unanimous)

The applicants request to vacate a 20-foot alley right-of-way for the future development of the lot. The Ripstra Addition was recorded June 14, 1956, with the Register of Deeds and the Bridwell Addition (now platted as the Scholfield Hatchett 3rd Addition) was recorded January 3, 1951 with the Register of Deeds

The alley's south to north run accesses onto Kellogg Drive, running between an auto dealership and a bowling alley. Both of these businesses have direct access onto Kellogg Drive. The alley's east-west run dead ends against a restaurant's parking lot on the west side and the previously mentioned auto dealership on its east side. The alley had run to Gouverneour Road on its east side, but this portion of the alley has been vacated, through replat. Reversion of the public right-of-way to private property would be per dedication on the plats. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, provide cross lot access and easement for vehicular and pedestrian traffic to be recorded with the Register of Deeds, retain the south 10-feet of the west - east alley as public utility easement, retain both of the alleys as easements until such time that the utilities are relocated at the applicant's expense and to City Standards, when the utilities are relocated dedication of easement(s) by separate instrument must be provided by the applicant to the franchised utilities, setbacks will remain in effect and move with the adjusted property lines and reversion rights would go to the abutting property owners.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

VAC2003-00062

## **VAC2003-00062-REQUEST TO VACATE A PLATTED DRAINAGE EASEMENT LOCATED SOUTHEAST OF NORMAN AND SOUTH OF MIDCO. (DISTRICT V)**

Agenda Report No. 04-0365

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

The applicant is requesting consideration for the vacation of a platted 40-foot drainage easement, which runs parallel to the south property line of Lot 4, Block A, Mid-Continent Industrial Park 2 Addition. The Mid-Continent Industrial Park 2 Addition was recorded with the Register of Deeds February 1, 1978.

There are no sewer or water lines in the platted easement, but the easement does service drainage on the property. The applicant has approval from City Public Works/Strom Water for relocation of the drainage easement. The vacation of the platted drainage easement will stop short of its intersections with the platted easements on its east and west sides. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds and a dedication of a drainage easement by separate instrument provided to be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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SUB2003-94

**SUB 2003-94-PLAT OF STONEHEDGE THIRD ADDITION, LOCATED ON THE EAST SIDE OF ROCK ROAD AND THE SOUTH SIDE OF 39TH STREET NORTH. (DISTRICT II)**

Agenda Report No. 04-0366

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (7-0)

This site, consisting of two lots on 2.29 acres, is a replat of a portion of the Stonehedge Second Addition. The site is located within Wichita's city limits and is zoned LI, Limited Industrial District. City water services are available to serve the site.

A Petition, 100 percent, and a Certificate of Petition for sewer and drainage improvements have been submitted.

The plat proposes one access opening limited to rights-in/out only. A Cross-Lot Access Agreement with the property to the south and a Cross-Lot Circulation Agreement have been submitted. In order to provide for the ownership and maintenance of the reserves, a Restrictive Covenant has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty-(30) days.

The Certificate of Petition, Cross-Lot Access Agreement, Cross-Lot Circulation Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-155

Resolution of findings of advisability and Resolution authorizing construction of lateral 68, Main 9, Sanitary Sewer #23 (east of Rock, south of 35th Street North) 468-83786, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-156

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 226, (east of Rock, south of 35th Street North) 468-83795, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB2003-120

**SUB 2003-120-PLAT OF FAWN GROVE AT SUNSET LAKES ADDITION, LOCATED SOUTH OF KELLOGG ON THE WEST SIDE OF GREENWICH ROAD. (DISTRICT II)**

Agenda Report No. 04-0367

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This unplatted site, consisting of two lots on 49.45 acres, has recently been annexed into Wichita's city limits. A zone change (ZON 2003-64) to GO, General Office District for Lot 95, Block 2, and Lot 59, Block 1, has been approved.

Petitions, 100 percent, and a Certificate of Petitions for street, sewer, water, drainage and paving improvements have been submitted.

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A Restrictive Covenant has been submitted that allows for the creation of a lot owners' association to provide for the ownership and maintenance of those reserves being platted for drainage purposes. A Restrictive Covenant was also submitted providing four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty-(30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition, and Restrictive Covenants (2) will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved, the necessary signatures be authorized, the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 04-157

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89938 (South of Kellogg, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-158

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89943 (south of Kellogg, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-159

Resolution of findings of advisability and Resolution authorizing construction of Lateral 362, Four Mile Creek Sewer (South of Kellogg, west of Greenwich) 468-83797, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-160

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 229 (South of Kellogg, west of Greenwich) 468-83798, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-161

Resolution of findings of advisability and Resolution authorizing construction of Lateral 363, Four Mile Creek Sewer (South of Kellogg, west of Greenwich) 468-83799, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-162

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Resolution of findings of advisability and Resolution authorizing improving Fawn Grove, from the west line of Lot 29, Block 2, to the west line of Greenwich Road, and LeeAnne Circle, from the north line of Fawn Grove to and including cul-de-sac, (South of Kellogg, west of Greenwich) 472-83980, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-163

Resolution of findings of advisability and Resolution authorizing improving Morris/Fawn Grove, from the west line of Fawn Grove at Sunset Lakes Addition to the west line of Lot 29 Block 2, Fawn Grove Court (Lots 35-41, Block 3) from the east line of Fawn Grove to and including cul-de-sac; Fawn Grove Court (Lots 23-24, Block 3, from the east line Fawn Grove to and including cul-de-sac; Chateau Circle from the north line of Fawn Grove to and including cul-de-sac; and Smithmoor/Smithmoor Circle from the south line Fawn Grove at Sunset Lakes Addition to and including cul-de-sac, (south of Kellogg, west of Greenwich) 472-83989, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-164

Resolution of findings of advisability and Resolution authorizing improving Greenwich to provide left-turns and associated storage (south of Kellogg, west of Greenwich) 472-83990, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## SUB 2004-07

### **SUB 2004-07-PLAT OF HUNTER'S POINTE TAYLOR ADDITION, LOCATED EAST OF 143RD STREET EAST, SOUTH OF HARRY. (DISTRICT II)**

Agenda Report No. 04-0368

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (7-0)

This site, consisting of five lots on 3.95 acres, is a replat of a portion of the Arbor Lakes Baptist Church Addition. This site is located within Wichita's city limits and is zone SF-5, Single-Family Residential District.

Municipal services are available to serve the site. An Off-Site Utility Easement has been submitted for connection to the sewer line.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Off-Site Utility Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

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DED 2004-03

**DED 2004-03-DEDICATION OF STREET RIGHT-OF-WAY, DED 2004-04-DEDICATION OF A SIDEWALK AND UTILITY EASEMENT AND DED 2004-05-DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE SOUTH SIDE OF CENTRAL, EAST OF HOOVER ROAD. (DISTRICT IV)**

Agenda Report No. 04-0369

MAPC Recommendation: Accept the Dedications.

As requirements of Lot Split Case No. SUB 2003-144, the Dedications are being submitted for additional street right-of-way along Central Avenue, a sidewalk and utility easement and access control, except for one opening, along Central Avenue.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

DED 2004-06

**DED 2004-06, DED 2004-07-DEDICATION OF A UTILITY EASEMENT AND DEDICATION OF STREET RIGHT-OF-WAY, FOR PROPERTY LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH AND ON THE WEST SIDE OF HIGH STREET. (DISTRICT VI)**

Agenda Report No. 04-0370

MAPC Recommendation: Accept the Dedications.

As requirements of Lot Split Case No. SUB 2004-06, these dedications are being submitted for construction and maintenance of public utilities and street right-of-way along Joann Street.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

DED 2004-08

**DED 2004-08-DEDICATIONS OF A UTILITY EASEMENT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF PAWNEE AND WEST OF WEST STREET. (DISTRICT IV)**

Agenda Report No. 04-0371

MAPC Recommendation: Accept the Dedication.

As a requirement of Lot Split Case No. SUB 2003-130, this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

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DED 2004-09

## **DED 2004-09-DEDICATION OF A SIDEWALK AND UTILITY EASEMENT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF PAWNEE AND WEST OF WEST STREET. (DISTRICT IV)**

Agenda Report No. 04-0372

MAPC Recommendation: Accept the Dedications.

As a requirement of Lot Split Case No. SUB 2003-130, this Dedication is being submitted for construction of a sidewalk along Pawnee Avenue and construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DR2003-09

## **DR2003-09-SIX MONTH STAFF REVIEW OF THE DELANO NEIGHBORHOOD DESIGN GUIDELINES. (DISTRICT IV)**

Agenda Report No.04-0373

On April 11, 2003, City Council adopted the Delano Neighborhood Overlay District and Delano Neighborhood Design Guidelines. The Guidelines contained the provision that, "Every six months following the adoption of the Delano Neighborhood Overlay District, the Delano Neighborhood Design Guidelines shall undergo a formal review and evaluation by Staff regarding its effectiveness and the need for amendment or change".

A six-month review of the Design Guidelines was undertaken in October 2003. At that time, the Design Review Committee and the Design Advisory Committee determined that no applicant hardships or technical problems had risen due to the Delano Design Guidelines. Accordingly, no changes or modifications to the Guidelines were recommended or made at that time.

April 11, 2004 marks the one-year anniversary of the adoption of the Delano Neighborhood Overlay District and Design Guidelines. A table has been prepared that summarizes, by key performance categories, all design review applications received and reviewed over the last six-month period from September 5, 2003 to March 16, 2004.

A total of 14 applications have been received and reviewed by the Design Review Committee since September 5, 2003. All 14 applications were approved and no applicants have filed an appeal to City Council. Average review / response time was five days, with an average decision time of one day. Twelve of the 14 applications involved commercial properties (ten signs, one awning modification and one storefront renovation) along W. Douglas Street, while the remaining two applications were for residential properties (one residential garage and one new residence) in the neighborhood. Furthermore, Staff has not received any complaints from the applicants regarding the Delano Design Guidelines. None of these applications required a review by the Design Advisory Committee. The role of the Design Advisory Committee is to provide recommendation to the Design Review Committee in instances where an application does not conform to the Guideline requirements.

Based upon this analysis, the Design Review Committee is of the view that no changes or modifications to the Delano Design Guidelines are needed at this time.

Alternatives: Two options are now available to Council:

- a) Receive the report and recommendation as information.
- b) Other action as deemed appropriate by Council.



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There are no financial implications for the City associated with the Delano Neighborhood Design Guidelines.

There are no legal implications associated with the Delano Design Guidelines as presently adopted.

Motion--carried

Mayans moved that the report and recommendation as information be received. Motion carried 7 to 0.

**A04-04**

**A04-04-REQUESTED BY MRS. MONIQUE HAYNES-ROBERTSON, TO ANNEX LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF GILBERT STREET AND CLEAR CREEK STREET. (DISTRICT II)**

Agenda Report No. 04-0374

The City has received a request to continue with the annexation of .52 acres of land generally located southeast of the intersection of Gilbert Street and Clear Creek Street. The City of Wichita had halted annexation proceedings in February of 2004 at the request of the owner. The annexation area abuts the City of Wichita to the north, east, south, and west of the property. The proposed annexation is currently vacant, unplatted, and located directly south of the property owner's residence. The property owner has expressed intentions to construct a pool and pool house on the proposed annexation.

**Analysis:**

**Land Use and Zoning:** The annexation area is currently vacant and zoned "SF-20" Single Family Residential. The property is surrounded by residential lots zoned Single Family Residential "SF-5". The lots directly to the north and west of the property have been developed with single-family residences, the rest of the surrounding lots are currently vacant.

**Public Services:**

Water was extended for and paid for by the lot on the other side of the street to the west (609 S Clear Creek). Water is available and will require an in-lieu-of-assessment charge in addition to standard fees for new service. Sewer will need to be extended at the owner's cost or in association with the surrounding subdivision in order to have service for this property.

**Street System:** The subject property fronts on to Clear Creek Street, a two lane paved subdivision road.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a seven (7) to nine (9) minute approximate response time from City Station No. 15 located at Rock Road and Lincoln or from the County Station #38 located at 1010 N. 143rd Street East. However, a new Fire Station is slated for construction near 127th Street East and Kellogg, which will notably reduce response times to the proposed annexation site. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

**Parks:** W.B. Harrison Park, a 40-acre park, is located approximately 3 miles west of the proposed annexation site. A bike pathway is proposed along Harry Road in the 1996 Parks and Open Space Master Plan.

**School District:** The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The future assessed value of this property will depend on the type and timing of development and the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

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Motion--  
--carried

Mayans moved that the annexation request and first reading of the Ordinance be approved and authorize the necessary signatures. Motion carried 7 to 0.

**A04-11**

**A04-11-REQUEST BY RITCHIE DEVELOPMENT CORPORATION TO ANNEX LAND  
GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 143RD STREET  
EAST AND 21ST STREET NORTH. (DISTRICT II)**

Agenda Report No. 04-0375

The City has received a request to annex 38.79 acres of land generally located southwest of the intersection of 143rd Street East and 21st Street North. The annexation area abuts the City of Wichita to the north and west of the property. The property owner plans to develop the site with a total of 34 single-family residential lots.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of 38.79 acres zoned "SF-20" Single Family, currently in agricultural use. The lands directly south and east of the proposed annexation area are zoned "SF-20" Single Family Residential and in agricultural use. The properties to the north and west of the proposed annexation are currently in agricultural use and zoned "SF-5" Single Family Residential. The "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family Residential upon annexation.

**Public Services:** Neither water or sewer services are currently provided to the proposed annexation area. As a condition of platting, the owners must petition for construction of water distribution, sewer main, and sewer lateral systems. Sewer service in this area is limited until improvements are completed downstream.

**Street System:** The subject property fronts on 21st Street North, currently a two lane paved road. The City of Wichita Capital Improvement Program 2004-2013 draft currently calls for improvements to the adjacent section of 21st Street North in 2012.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a nine (9) to ten (10) minute approximate response time from City Station No. 18 located at 2808 North Webb. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

**Parks:** The Wichita Northeast Sport Complex, a 105.99-acre park, is located approximately 2.5 miles northwest of the proposed annexation site. A pathway is proposed approximately .5 miles south of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

**School District:** The annexation property is part of the Unified School District 385 (Andover School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$3,890, with a total assessed value of \$1,167. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$14 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. However, the property owner projects an overall appraised value of \$11,900,000 when development is completed, resulting in an assessed value of \$1,368,500. Assuming the current City levy remains about the same, this would roughly yield \$42,979 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

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Motion--  
--carried

Mayans moved that the annexation request and first reading of the Ordinance be approved and authorize the necessary signatures. Motion carried 7 to 0.

A04-12

**A04-12-REQUEST BY MR. AND MRS. DUGAN TO ANNEX LANDS GENERALLY  
LOCATED NORTHWEST OF THE INTERSECTION OF 119TH AND PAWNEE ROAD.  
(DISTRICT IV)**

The City has received a request to annex 99.24 acres of land generally located northwest of the intersection of 119th and Pawnee Road. The annexation area abuts the City of Wichita to the east of the property. The annexation area includes an additional 2.74 acres comprised of all that portion of Pawnee Road from Maize Road extending west to Lark Lane. The property owner plans to develop the site with a total of 193 single-family residential lots.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of 96.5 acres zoned "SF-20" Single Family, currently in agricultural use. The properties to the south and west of the proposed annexation are zoned "SF-20" Single Family Residential and in agricultural use. The property to the north of the proposed annexation area is currently in rural residential use and zoned "SF-20" Single Family Residential. Properties directly to the east of the proposed annexation area are zoned "SF-5" and are currently in suburban residential use. The "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family Residential upon annexation.

**Public Services:** No water or sewer services are currently provided to the proposed annexation area. As part of platting the property owner is required to petition for construction of water distribution, sewer main, and sewer lateral systems. City Staff is currently working with the developer's engineer on sewer main extension issues.

**Street System:** The subject property fronts on South 119th Street, currently a two lane paved county road. The City of Wichita Capital Improvement Program 2004-2013 draft currently calls for improvements 119th Street in 2013. Left turn lanes along 119th Street will be required of the developer as a condition of platting approval, along with a contingent left-turn lane along Pawnee Road.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 17 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

**Parks:** Pawnee Prairie Park, a 410.37-acre park, is located 1.5 miles east of the proposed annexation site. A pathway is proposed along the western edge of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

**School District:** The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$89,140, with a total assessed value of \$10,251. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$322 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. However, the property owner projects an overall appraised value of \$16,984,000 when development is completed, resulting in an assessed value of \$1,953,160. Assuming the current City levy remains about the same, this would roughly yield \$61,341 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

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Motion--  
--carried

Mayans moved that the annexation request and first reading of the Ordinance be approved and the necessary signatures authorized. Motion carried 7 to 0.

## AIRPORT AGENDA

### TENANT FACILITY

### TENANT FACILITY IMPROVEMENTS, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 04-0377

On July 1, 2003 the Wichita Airport Authority approved a project for improvements to buildings leased by the Federal Aviation Administration (FAA). The project includes improvements to the exterior lighting.

A change order has been prepared to include work requested by the tenant.

The capital budget shall be increased by the amount of the change order, \$13,992.04. The change order is 7.6 percent of the original contract sum of \$183,177.50 and is within the allowed amount. This amount is expected to be paid by the FAA in a lump sum payment when the work is complete.

Motion--  
--carried

Mayans moved that the project budget increase be approved and the necessary signatures authorized. Motion carried 7 to 0.

### RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 1:25 p.m. to consider: Consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: Pending litigation; potential litigation; legal advise and contract negotiations and that the Council return from Executive Session no earlier than 2:30 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

--carried

### RECONVENE

The Council Members reconvened in the Council Chambers at 2:30 p.m. and Mayor Mayans moved to extend the Executive Session for an additional 20 minutes, until 2:50 p.m. and to meet back in the Council Chambers. Motion carried 4 to 0, (Martz, Fearey, and Lambke were not present).

### RECONVENE

The Council Members reconvened in the Council Chambers at 2:50 p.m. and Mayor Mayans announced that there was no action taken.

Motion--carried

Mayans moved to adjourn the Executive Session at 2:51 p.m. Motion carried 6 to 0, (Schlapp absent).

Motion--carried

Mayans moved to adjourn the regular meeting at 2:52 p.m. Motion carried 6 to 0, (Schlapp absent).

### ADJOURNMENT

The City Meeting adjourned at 2:52 p.m.

Karen Schofield  
City Clerk